



**REGULAR MEETING OF THE COMMON COUNCIL
MIDDLETOWN CONNECTICUT
MARCH 7, 2016**

The regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, March 7, 2016 at 7 p.m.

Present:

Mayor Daniel T. Drew, Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia, Corporation Counsel Daniel B. Ryan, Common Council Clerk Marie O. Norwood

Absent:

Councilman Philip J. Pessina

Also Present:

Fifty Members of the public.

1. Mayor calls meeting to order at 7 p.m.

The chair welcomes everyone to the March Council meeting.

A. (Pledge of Allegiance)

The Chair calls the meeting to order at 7 p.m. and asks everyone to stand for the Pledge; he asks the veterans present to lead the public.

B. (Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

The chair asks the clerk to read the call; he declares the call a legal call and the meeting a legal meeting.

2. Accept/Amend the Agenda.

Councilman Thomas J. Serra reads and moves for approval amending the Agenda by substituting resolution 10H regarding Relay for Life as a Special Event in Middletown and substituting item 11, Mayor's Appointments. Councilwoman Deborah A. Kleckowski seconds the motion.

Councilman Giuliano asks question on item 10G, establishing military museum; are those the people you intended to appoint? The Chair asks if they are in the resolution. Councilman Giuliano responds yes. The Chair asks why. Councilman Giuliano responds that the Council does not have the authority to make appointments. He would like them to go under Item 11. The Chair states he has no problem with that. The Chair states we will vote on the first two changes to the agenda and then you can make the motion.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

Councilman Giuliano further amends the agenda by moving the appointments of the members of the military museum building committee to Item 11, Mayor's Appointments. Councilman Santangelo seconds the motion. The vote is called and it is unanimous with eleven affirmative votes. Councilman Pessina is absent. The Chair declares the matter passes. The appointments will be made under item 11.

3. Presentations

A. Congratulating Diane Patterson on AKC Master Agility Championship, 16 inches and under (Approved)

Resolution No. 25-16

File Name **ccpattersoncongrats**

WHEREAS, Diane Patterson, a Middletown resident, has been a dog handler competing in the sport for over a decade; Diane and Cruz, a three year old Shetland Sheepdog, named Bare Cove Keep on Cruz'n competed in the American Kennel Club's Second Annual Master's Agility Championship in February 2015 and finished in fourth place in the finals; and

WHEREAS, Diane and "Cruzer" competed at the third Annual Masters Agility Championship at Westminster in the under 16 inch height (of the jump) class in New York City; this year's competition included over 300 dogs, with 76 breeds including 26-mixed breeds; and

WHEREAS, in order to compete, the dog and its handler must achieve Master Agility Excellent ranking with qualifying scores and Master Excellent Jumpers with Weaves at the time of entry into the contest. Dogs and their handlers competed in over 3,700 contests this past year in order to qualify for the competition; and

WHEREAS, Diane, and Cruz competed during 2015 and won the AKC Master Agility Champion title in May, 2015 and the International Agility Champion from the United Kingdom International Club in September, 2015; at the AKC World Team Tryouts in May, 2015 Diane and Cruz took 2nd place and their success earned them a spot as an alternate on the AKC US Team for the 2015 European Open Championship; in November, 2015, they competed in the U. S. Open of Dog Agility and won First Place in the "Biathlon Championship" and a spot on the 2016 United Kingdom International U. S. Team; and

WHEREAS, at the Masters Agility Championship, each dog had to compete in two qualifying rounds: one, the Standard Agility Course and the other, Jumpers with Weaves Course. Each qualifying round is run as a "time to beat" course where the first dog and handler set the baseline time. To compete in the Championship round, the scores are combined of the actual running time of both runs plus any faults and course time faults; the ten lowest scores from each height group move to the Championship round; and

WHEREAS, each dog handler and dog must be a team and learn to communicate to move through the event that has jumps, tunnels, ramps and runs; Diane and her dog, Cruz, must be able to communicate using voice and body signals; and

WHEREAS, Diane and Cruz's combined timed trial was 36:26, the best time for a dog in the 16 inch and under height (of the jump) category, besting 58 competitors of various breeds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate Diane and Cruz on winning the 16 inch and under Agility Title from the Westminster Kennel Club; as a sport and to compete to win, the dog and handler must spend hours working together to learn to communicate and trust each other. Diane and her dogs train weekly with her coach, John Nys, as well as train in their backyard every day, year-round; and

BE IT FURTHER RESOLVED: That we recognize the hard work to achieve the title of Agility Champion and we recognize Diane's talents and efforts; her title brings recognition to Middletown and our community is proud of Diane Patterson and her dog Cruz and we wish them good luck in their next competition in Tulsa, the 2016 AKC National Agility Championship.

The chair asks Diane Patterson to come forward with Councilman Daley. The chair states they should have a dog at every Council meeting. Councilman Daley states former Councilman Streto happened to be up late and saw them at the show and thought she should be recognized. He reads the resolution honoring the team of Diane Patterson and Cruz who won first place at the AKC show for Agility for 16 inches and under. He moves to approve and states this is one of the most enjoyable actions I have undertaken on the Council. Councilwoman Kleckowski seconds the motion. The Chair states without objection the resolution is approved by acclamation. Mrs. Patterson thanks the Council. We are honored to be residents of this wonderful town and it is fun to play with your dog. We will go to Tulsa next week and win for Middletown.

B. In Memoriam, Willard McRae (Approved)

Resolution No. 26-16

File Name **ccwillardMcRaeinmemoriam**

WHEREAS, Willard M. McRae, a former three term Common Council member, a clinical social worker, and a civic leader in Middletown died on Thursday, February 18, 2016; Willard graduated Middletown High School in 1951 and attended Central Connecticut State University where he graduated with a Bachelor's of Science; and

WHEREAS, Willard served two years in the Navy as a chaplain's assistant; he attended the University of Connecticut and received a Masters of Social Work and became a licensed Social Worker; he worked as a case worker for the State Welfare Department; he became District Director in Middletown of that office; in 1996 he retired as the Administrative Director of the Middlesex Hospital Mental Health Clinic; and

WHEREAS, he served on the Middletown Art's Commission in its early years, trying to increase cultural opportunities for all residents and recently Willard was working with the Youth Services Coordinator on advancing juvenile justice reforms; and

WHEREAS, Willard was instrumental in establishing the Greater Middletown Community Non-Profit Housing Corporation, the Greater Middletown Negro Youth Scholarship Fund, the Governor's Task Force Against Teenage Pregnancy; he was a founder of the Community Foundation of Middlesex County; and in later years, he and his wife established the Katherine and Willard McRae Fund that provides grants to educate children; and

WHEREAS, Willard established the Upward Bound program at Wesleyan University to help students prepare for college; this was a program he was particularly proud of; he was active with the Middlesex Coalition for Children and the Middlesex Child and Adolescent Service System; he worked on the 2-1-1 Social Service Referral system for the United Way; and

WHEREAS, Willard was the first African-American to serve on the Liberty Bank Board of Directors; he co-founded the Liberty Bank Foundation of Middlesex County and the iCARE program; and

WHEREAS, he received numerous honors including the diversity award started in 2001 and named after him in 2009 from the Liberty Bank Foundation; he received the Middlesex Unity Way Community Leadership Award; in 2015 he received the Community Foundation of Middlesex County's Sherry and Herb Clark Beacon of Philanthropy Award; and in 2015 he was named the Middletown Press Person of the Year; and

WHEREAS, Willard has left an eternal gift to the Middletown Community through his unselfish actions in working to improve Middletown, its culture, and the lives of its residents, especially the lives of young people. He sought out the best in people and the best for our community.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we offer our condolences to the McRae family, his wife of 53 years, Katherine Bolden McRae, his daughters Sandra McRae Bowie and Lorraine McRae, M.D., his grandchildren Morgan, Justin, Peerce and Vivian, Brother Edmund McRae and several nieces and nephews; and

BE IT FURTHER RESOLVED: That Willard was a man who could bring a diverse population together to solve difficult issues facing our residents and community and he will be sorely missed; this community needs to fill the void left by Willard McRae through selfless volunteering, devoting time to help their community to continue to grow and transform for the betterment of its citizens.

Councilman Serra comes forward and the chair asks the McRae family to come forward. Councilman Serra states Willard's wife Katherine is not feeling well. He introduces his brother Ed. He reads the resolution to honor him in memoriam. Councilman Serra moves the resolution for approval and is seconded by Councilman Giuliano seconds. The Chair states without objection, the matter is approved by acclamation. Councilman Serra states there were individuals on the Council we looked up to and one was Willard McRae. He gave advice to Gerry and me and gave it to us recently. He was a very wise man and you have a great loss and we are aware of it and we want you to be aware too. Mr. McRae thanks the Council on behalf of the McCrae family. Councilman Faulkner states he enjoyed the limited time he had with Willard; this resolution was written very well and covered a lot of things. I communicated to the family and wanted to highlight key words like first, established, founder, licensed. He had his education and used it well. Some other words served, increased, not leaving things status quo, the other word is culture and left; he left a lot for us to live up to and a lot for us to carry on. The other thing I wanted to mention was he was the old guard. They were very talented and used their talents in a lot of ways. One thing he thought about is Nat King Cole; he was not only a great singer, but pianist. Fred Astaire was a great dancer, but he was a drummer. We really appreciate them. My condolences to the family; he was a great man and the resolution says it all. Councilman Daley states he would be remiss if he didn't comment. I was the Mayor's administrative assistant in 78 and 79 and that was during the time he was on the Council. I got to know him pretty well; he was on the republican side of the aisle. It was not uncommon to draw on some great people, and Willard stood out; he was never partisan and he always put the city first. Through my job in the Mayor's Office, I had a lot of contact; he was the Director of a mental health at the hospital. He would interact with me with that. He was always trying to do good for people and what amazes him is when we ran into each other, he was far more active and contributed to the community than I could ever do. Willard set a great example. As I got older, I always found he gave good advice because his values were so good and helped guide him. He will be missed in this community. It is a great family and a great man. Councilwoman Kleckowski states she is a product of Willard's legacy as a graduate of the Upward bound program and I worked for the program. The legacy he made for first generations low income students will resonate for a long time. I thank Willard for founding the Upward Bound program and the legacy he has left for children that are educated and bringing it back to their families is a true legacy. Councilman Nocera states as a teacher and principal to four schools, he worked with Willard since the 1970's and what a tremendous influence he was for our schools. He was a transformational leader. He worked tirelessly on committees for the Board of Education. he helped improve our schools through the Civil Rights era. I believe as a product of the public schools and working with him, we could not be where we are today and I thank him. Councilman Giuliano states he met Willard back in 1978; he had just passed the bar and down the hall from my office, every Friday afternoon there would be Willard and Dean Ackermann from Wesleyan and I was allowed to hang out with them. To listen to his wisdom and the common sense approach to the community was enlightening. To not have him here to tap him for advice we will feel that and our condolences go with you. Councilman Santangelo states you heard the kind of man he was and his personal experience was as a counselor at the hospital and he came and found me. He had a lot of wisdom and mentored me at the hospital. If you needed advice or wisdom, he was the man to go to. He affected everyone in Middletown whether new here or you were here all your life. That was a rare man. The McRae family was highly respected and did a lot for the community. I am proud to say I knew Willard McRae. The Chair thanks Willard for his contributions to the nation, state, and city and it will last for many, many years. The effects of his works are all around us in what we see and what we can't see; his work will continue. The impact of your entire family and the service they gave to the community is a great legacy. We should honor this legacy.

C. Introduction to Matt Poland, Russell Library Director

The chair asks Geen Thazhampallath, Russell Library Board Chair and Matt Poland, Russell Library's new director to come forward. Mr. Thazhampallath states it is hard to follow a presentation like that. It impresses him about the work we do and the care we have for Middletown. I am proud to introduce Matt to you; he comes from the Hartford Public Library. Art is retiring and the Library has the task of moving the institution into the future. We face challenges and we want to modernize the library and meet national and regional standards. We thank you for your support, but the foot print has been shrinking. Positioning the library for refurbishment and how we define a public library is changing. Our search led us to Matt and they are most proud to offer you his background in urban settings. He can address all segments of the population. He introduces Mr. Poland. Mr. Poland is delighted to be in Middletown and lead Russell Library which is considered to be one of the best libraries in the State. Public Libraries in urban settings are places where people gain access for information; it is an extension of schools, after schools; it is a place to explore public health and a place where people can find and learn about themselves to get better jobs. There is a great divide between people who have money to get resources and people who don't. It can be seen with access to technology. Civic engagement will become important. It will be a place where all people in Middletown have an opportunity like no other. He is delighted to be here to build a library for the 21st century and hopes to build one that will be a model for libraries across the country. The Chair welcomes him.

4. Mayor requests motion to approve minutes of:

The minutes having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council member, the reading of the same having been dispensed with, the Chair requests a motion to approve the minutes of February 1, 2016 at 7 p.m., Special meeting minutes of February 1, 2016 at 6 p.m. and February 22, 2016 at 7 p.m.

Motion to Amend

Councilman Faulkner has changes on the February 1, 2016 at 7 p.m. He corrects the names of two people on his talk one is Bill Foster and the name is misspelled, it is without an R and the proprietor of Styles the name is Quana Aikens. Councilman Serra moves to make the changes and Councilwoman Kleckowski seconds to amend. The vote is unanimous to amend the minutes.

Councilman Sebastian N. Giuliano reads and moves for approval 4. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

5. Public Hearing opens on Agenda items (including Bond Ordinance Amendment).

The Chair opens the public hearing at 7:40 p.m.

John Hall addresses the ordinance for Compete Streets. He is here as chair of complete streets committee. He is a resident of Portland and here to address 7A and 10F. We have heard a lot about Willard and the library about the changing world and community. We have a greater need and appreciation to have a place to walk and a place to bicycle. 30% of people in CT don't have a driver's license and have needs to get around and use our streets and need sidewalks to get around. We want to encourage children to bike or walk to school. The complete streets committee was formed in early 2012 and formed a plan in 2014 and brought to the Council for acceptance. It was incorporated into the plan of conservation and development. I have spoken with many of you about this. I am delighted with the widespread support. What the ordinance will do is build in the planning process for bicycling and pedestrian. It is a process we are formalizing. We have a lot of things going on including a multi-use trail from Wesleyan hills to the university. We have a grant to extend bicycle trail to downtown from Tuttle street and sidewalks for Saybrook Road. They want to continue this work and number have come to express their support for the ordinance. He has them stand. Item 7A is an appropriation to develop some display materials to explain what complete streets are at various events. Thank you for your support.

Monica Belyea states she is in favor of the complete streets ordinance 10F; people pay for the walkability and transportation for the city. Hopes the council will vote for this.

Phil Ouellette owns Eli Canon and the official Sherpa for Nora Cupcake company and speaks in favor of them moving to Remington Rand. The demand was quickly outgrowing the demand for her product and she found property in New Britain and Hartford and I told her the base camp has to be in Middletown. They reached out and found space at Remington Rand. 24 years, I asked for a reinvest loan of 15,000 and it was approved and paid back and we paid back more in good will and job opportunities. What we did will pale in comparison to NoRa cupcake.

Carrie Prella, owner of NORA Cupcake Company, states we have quadrupled business and a lot of opportunities have come our way and we would like to continue to say yes to all the opportunities and we have 200 square feet at the Main Street and it will be the flagship store; the sales on weekend are mostly out of town. What we need is kitchen space and after seeing Remington Rand, it will fit all of our needs and move the bakery operations there. Chair congrats.

6. Public Hearing Closes.

The chair, seeing no further members wishing to address the Council, closes the public hearing at 7:49 p.m.

7. Mayor requests Council Clerk to read appropriation and bond ordinance requests and the Certificate of Director of Finance.

The Chair requests the clerk to read the appropriation notices and Certificate of the Director of Finance.

Appropriation and Bond Notices



CITY OF MIDDLETOWN

MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **MONDAY, MARCH 7, 2016 at 7 p.m.**, to consider and act upon the following:

- | | | |
|----|--------------------------------------|---|
| A. | Mayor's Office
Complete Streets | \$500, Account No. 1000-27000-59223-0010, Display Materials,
General Fund. |
| B. | Information Tech | \$31,640, Account No. 1000-03500-55810, General Technology, Maintenance
and Improvement, General Fund. |
| C. | Planning, Conser.
And Development | \$3,277.80, Account No. 1000-27000-59222, Wesleyan Hills Multi-
use Trail, General Fund. |
| D. | Planning, Conser.
And Development | \$1,000, Account No. 1000-27000-55409, Demolition of Wadsworth
Street Houses, General Fund. |
| E. | Planning, Conser.
And Development | \$90,000, Account No. 1000-27000-55409, Demolition of
Wadsworth Street Houses, General Fund. |
| F. | Public Works | \$10,000, Account No. 1000-22000-55185-0229, Building and Grounds,
Contractual, General Fund. |
| G. | Town Clerk | \$5,100, Account No. 1000-04000-52195, Elections, General Fund. |
| H. | Board of Ed | \$20,000 Account No. 1000-35100-59500, Cap. Expense: CNR Contribution,
General Fund. |
| I. | General Counsel | \$9,400 Account No. 1000-27000-55219-0050, HR Management/Software,
General Fund. |


Any and all persons interested may appear and be heard.

ATTEST:


MAYOR DANIEL F. DREW
Mayor

Dated at Middletown, Connecticut, 24th day of February, 2016.

The Council Chamber is wheelchair accessible. If you require special accommodations for any meeting, please call the (860) 638-4812 (TDD/TTY) or the Town Clerk's Office at (860) 638-4910 at least ten days prior to the scheduled meeting.



CITY OF MIDDLETOWN


MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF APPROPRIATION

Notice is hereby given that a meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on March 7, 2016, at 7 p.m. to consider and act upon the following Appropriation Ordinance:

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$450,000 FOR THE REPLACEMENT OF THE KEIGWIN MIDDLE SCHOOL PARKING LOT AND AUTHORIZING THE ISSUE OF \$450,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE TO INCLUDE PHASE II SECURITY EQUIPMENT AT WOODROW WILSON MIDDLE SCHOOL WITHIN SUCH APPROPRIATION AND BOND AUTHORIZATION

Any and all persons interested may appear and be heard. The complete text of the proposed Ordinance is on file and open to public inspection in the office of the City Clerk.

ATTEST:

Daniel T. Drew
Mayor

Dated at Middletown, Connecticut, this 24th day of February, 2016.

The Council Chamber is wheelchair accessible. If you require special accommodations for any meeting, please call the ADA Coordinator at (860)344-3491 (voice) or (860) 344-3521 (TDD/TTY) or the Town Clerk's Office at (860) 344-3459 prior to the scheduled meeting.

ACTIVE/75077.1/MANDREANA/5629751v1

Certificate of Director of Finance

MEMORANDUM

TO: His Honor, Mayor Daniel T. Drew and
Members of the Common Council

FROM: Finance Department

DATE: March 4, 2016

RE: Certification of Funds

This is to certify that funds sufficient to meet the appropriations requested at your meeting on March 7, 2016 are available as follows:

General Fund	\$170,917.80
An Ordinance Amending a Ordinance of the Keigwin Middle School Parking Lot to include Phase II Security Equipment at Woodrow Wilson Middle School Ordinance Bond Issue	\$450,000.00

Respectfully submitted,



Carl Bracher
Director of Finance &
Revenue Services

RECEIVED
3-7-16

- A. Mayor's Office \$500, Account No. 1000-27000-59223-0010, Display Materials, Complete Streets, General Fund. (Approved)

Councilman Carl R. Chisem reads and moves for approval the Mayor's Office appropriation for \$500, Account No. 1000-27000-59223-0010, Display Materials, Complete Streets General Fund. Councilman Gerald E. Daley seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.
- B. Information Tech \$31,640, Account No. 1000-03500-55810, General Technology, Maintenance and Improvement, General Fund. (Approved)

Councilman Grady L. Faulkner, Jr. reads and moves for approval the Information Technology Office appropriation for \$31,640, Account No. 1000-03500-55810, General Technology,

Maintenance and Improvement, General Fund. Councilman Thomas J. Serra seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

C. Planning, Conservation and Development \$3,277.80, Account No. 1000-27000-59222, Wesleyan Hills Multi-use Trail, General Fund. (Approved)

Councilman Gerald E. Daley reads and moves for approval the Planning, Conservation and Development appropriation request for \$3,277.80, Account No. 1000-27000-59222, Wesleyan Hills Multi-use Trail, General Fund. Councilman Thomas J. Serra seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

D. Planning, Conservation and Development \$1,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. (Approved)

Councilman Robert P. Santangelo reads and moves for approval the Planning, Conservation and Development Appropriation request for \$1,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. Councilwoman Deborah A. Kleckowski seconds the motion.

Councilman Faulkner asks if the State should be paying us. The Chair states Councilman Blanchard helped us and the neighborhood has to contend with some difficult situation. There was a deed restriction that had to be lifted and it took a long time. He thanks several people and it is why it came to pass and rectify a problem in the neighborhood. Councilwoman Daley we have been grappling with this for six or seven years. They have had tremendous resistance from the state. There was a time when the house could have been used but they are in such disrepair, they cannot be used. It is unfortunate that the city has to spend money to demolish them but these buildings pose an attractive nuisance and demolishing them will enhance the neighborhood and protect the financial nature of the city.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

E. Planning, Conservation and Development \$90,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. (Approved)

Councilman Robert Blanchard reads and moves for approval the Planning, Conservation and Development appropriation for \$90,000, Account No. 1000-27000-55409, Demolition of Wadsworth Street Houses, General Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

The chair thanks the entire Council on their efforts and thanks the Legal and Planning Departments as well; it was a team effort that got us here and thank you all.

F. Public Works \$10,000, Account No. 1000-22000-55185-0229, Building and Grounds, Contractual, General Fund. (Approved)

Councilman Eugene P. Nocera reads and moves for approval the Public Works \$10,000 appropriation, Account No. 1000-22000-55185-0229, Building and Grounds, Contractual, General

Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**G. Town Clerk \$5,100, Account No. 1000-04000-52195, Elections, General Fund.
(Approved)**

Councilwoman Mary A. Bartolotta reads and moves for approval the Town Clerk's Office appropriation request of \$5,100, Account No. 1000-04000-52195, Elections, General Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**H. Board of Ed \$20,000 Account No. 1000-35100-59500, Cap. Expense: CNR Contribution, General Fund.
(Approved)**

Councilman Thomas J. Serra reads and moves for approval the Board of Education request for \$20,000 Account No. 1000-35100-59500, Cap. Expense: CNR Contribution, General Fund. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**I. General Counsel \$9,400 Account No. 1000-27000-55219-0050, HR Management/Software, General Fund.
(Defeated)**

Councilwoman Mary A. Bartolotta reads and moves for approval General Counsel appropriation of \$9,400 Account No. 1000-27000-55219-0050, HR Management/Software, General Fund. Councilman Robert P. Santangelo seconds the motion.

Councilwoman Bartolotta would like to table this or vote it down; at Finance and Government there were still questions that need to be answered and will address it at a later date. Bartolotta asks to vote no.

The chair calls for the vote. It is 0 aye votes by None; 11 nay votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia and 1 absent by Councilman Philip J. Pessina. The Chair states the matter failed with 0 affirmative votes, 11 in opposition and 1 absent.

**J. AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$450,000 FOR THE REPLACEMENT OF THE KEIGWIN MIDDLE SCHOOL PARKING LOT AND AUTHORIZING THE ISSUE OF \$450,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE TO INCLUDE PHASE II SECURITY EQUIPMENT AT WOODROW WILSON MIDDLE SCHOOL WITHIN SUCH APPROPRIATION AND BOND AUTHORIZATION
(Approved)**

Ordinance No. 04-16

File Name Middletown – Amendment to bond Ordinance

WHEREAS, on June 4, 2012, the Common Council of the City of Middletown, Connecticut (the "City") approved a bond ordinance entitled: "AN ORDINANCE APPROPRIATING \$450,000 FOR THE REPLACEMENT OF THE KEIGWIN MIDDLE SCHOOL PARKING LOT AND AUTHORIZING THE ISSUE OF \$450,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" (the "Original Bond Ordinance");

WHEREAS, the Original Bond Ordinance appropriated \$450,000 for the planning, engineering, reconstruction, and site work associated with the replacement of the Keigwin Middle School parking lot, as well as engineering, architectural, inspection, site work, landscaping, marking, signage, legal, administrative and financing costs (hereafter, the "Keigwin Project");

WHEREAS, the Keigwin Project was completed in June, 2015, and there remains from the original appropriation and bond authorization funds that are unspent and unissued;

WHEREAS, as a result, the Common Council now desires to amend the Original Bond Ordinance by reallocating \$57,000 of the unused appropriation and unissued bond authorization from the Keigwin Project for the purchase and installation of Phase II security equipment at Woodrow Wilson Middle School; and

WHEREAS, the Original Bond Ordinance shall be amended, restated and replaced by Sections 1 through 14 below.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, CONNECTICUT APPROVES THE FOLLOWING:

Section 1. The sum of \$450,000 is hereby appropriated for (i) the replacement of the Keigwin Middle School Parking Lot, including, without limitation, reconstruction of South Parking Lot, reconstruction of North Access Road, replacement of concrete and bituminous sidewalks and curbs on the South Side, and related parking and paving improvements, and (ii) the purchase and installation of Phase II security equipment at Woodrow Wilson Middle School (in an amount not to exceed \$57,000), including for (i) and (ii) above, without limitation, engineering, architectural, inspection, site work, landscaping, marking, purchasing, planning and installation related charges, and for legal, administrative, consulting and financing costs as may be accomplished within said appropriation and bond authorization (hereafter the "Project").

Section 2. The expected useful life of the Project is in excess of twenty (20) years. The total estimated cost of the Project is \$542,000 and approximately \$92,000 of the Phase II security equipment at Woodrow Wilson Middle School is expected to be paid through a state grant which shall be appropriated to the Project by the Common Council upon the City's receipt.

Section 3. To meet said appropriation \$450,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 11. The Mayor, the City Treasurer and the Director of Finance are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.

Section 12. The City hereby expresses its official intent pursuant to 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.

Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 14. This ordinance shall become effective fifteen days after its publication in a newspaper of general circulation in the City pursuant to Section 5 of the City Charter.

**DEBT STATEMENT
December 31, 2015
CITY OF MIDDLETOWN, CONNECTICUT**


ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")		
Fiscal Year Ended June 30, 2015		121,572,543
BORROWING CAPACITY FOR EACH CLASS		
2-1/4 times base for General Purposes		273,538,222
4-1/2 times base for Schools		547,076,444
3-3/4 times base for Sewers		455,897,036
3-1/4 times base for Urban		
Renewal		395,110,765
3 times base for Unfunded Past Benefit Obligations		364,717,629
MAXIMUM AGGREGATE BORROWING CAPACITY		851,007,801
7 times Base		
INDEBTEDNESS BONDS AND NOTES:		
GENERAL PURPOSES	58,252,645	
SCHOOLS	13,186,380	
SEWERS	5,697,700	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT		
OBLIGATIONS	-	
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
GENERAL PURPOSES	60,186,270	
SCHOOLS	834,000	
SEWERS	26,596,730	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT		
OBLIGATIONS	-	
CLEAN WATER FUND LOANS:		
SEWERS	4,826,382	
SUB-TOTAL INDEBTEDNESS		169,580,107
LESS		
FEDERAL AND STATE OF CONNECTICUT		
BUILDING GRANTS, COMMITMENTS AND		
RECEIVABLES		
GENERAL PURPOSE	-	
SCHOOLS	-	
SEWERS	-	
URBAN RENEWAL	-	
TOTAL DEDUCTIONS	-	
NET INDEBTEDNESS		169,580,107
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	155,099,307	
SCHOOLS	533,056,064	
SEWERS	418,776,224	
URBAN RENEWAL	395,110,765	
UNFUNDED PAST BENEFIT		
OBLIGATIONS	364,717,629	
BALANCE OF MAXIMUM AGGREGATE BORROWING		
CAPACITY AVAILABLE		681,427,694

Councilman Blanchard reads the bond ordinance amending the bond ordinance; Councilman Giuliano moves to waive the reading of the rest of the document; Councilwoman Kleckowski seconds the motion. The Chair calls for the vote and it is unanimous to waive the reading with eleven affirmative votes and Councilman Pessina absent.

Councilman Robert Blanchard moves for approval An Ordinance Amending An Ordinance Appropriating \$450,000 For The Replacement Of The Keigwin Middle School Parking Lot And Authorizing The Issue Of \$450,000 Bonds Of The City To Meet Said Appropriation And Pending Issuance Thereof The Making Of Temporary Borrowings For Such Purpose To Include Phase Ii Security Equipment At Woodrow Wilson Middle School Within Such Appropriation And Bond Authorization. Councilman Robert P. Santangelo seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

8. Department, Committee, Commission Reports and Grant Confirmation Approval.

A. City Clerk's Certificate
(Approved)



City of Middletown
City & Town Clerk's Office
245 deKoven Drive
Middletown, CT 06457

CERTIFICATION

I, Linda Bettencourt, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on February 1, 2016 at 7:00 p.m. and the special meetings on February 1, 2016 at 6:00 p.m. and workshop February 22, 2016 at 7:00 p.m., have been advertised in the local newspaper.

Attest:


Linda Bettencourt
City & Town Clerk

Dated at Middletown, Connecticut, this 7th day of March, 2016.



❖ Phone (860) 638-4910 ❖ Fax (860) 638-1910 ❖ TDD (860) 638-4812

B. Monthly Reports:
Finance Department - Transfer Report to February 24, 2016
(Approved)



Transfers of Funds - Operating Budget Accounts					
		From1/15/16	To2/24/16		
		FY 2016-2016			
Date	Department	Budget Item	From Account No.	To Account No.	Amount
01/19/16	PW/Engineering	General Administrative	1000-22000-52110-0223		(500.00)
	PW/Bldg & Grnds	Building Materials	1000-22000-53235-0229		(1,500.00)
	PW/Recycling	Contractual Services	1000-22000-55185-0222		(1,500.00)
	PW/City Hall	Contractual Services		1000-22000-55185-0227-50001	3,500.00
01/19/16	Senior	General Administrative	1000-32000-52110-0130		(1,000.00)
		Building Materials	1000-32000-53235-0130		(2,000.00)
		Repairs/Maintenance to Buildings	1000-32000-53380-0130		(2,000.00)
		General Specialized Equipment		1000-32000-53100-0130	5,000.00
01/26/16	Human Relations	Contractual Services	1000-11000-55185		(200.00)
		General Administrative		1000-11000-52110	200.00
01/26/16	Fire	Building Materials	2010-50000-53235-0500		(4,500.00)
		Longevity	2010-50000-51420-0500		(2,500.00)
		Repairs/Maintenance to Buildings		2010-50000-53380-0500	7,000.00
01/26/16	PW/Recycling	Contractual Services	1000-22000-55185-0222		(1,000.00)
	PW/Sanitation	Repairs/Maintenance to Vehicles	1000-22000-53520-0230		(2,000.00)
	PW/Garage	Oil, Grease, Lubricants & Fluids		1000-22000-53220-0225	3,000.00
01/27/16	Water	Contingency Fund	5000-60000-57020		(5,000.00)
		Repairs/Maintenance to Vehicles		5000-60000-53520	5,000.00
01/27/16	Animal Control	Incentive Pay	1000-18000-51910-0182		(950.00)
		Uniform Allowance	1000-18000-51950-0182		(1,000.00)
		Overtime		1000-18000-51340*-0182	1,950.00
02/02/16	Fire	UPS Battery Replacement	2070-18000-79662-x-x-2016		(30.00)
		Traffic Signal Upgrades	2070-18000-53265-x-x-2016		(10,000.00)
		(3) Police Patrol Vehicles/Modifications		2070-18000-79672-x-x-2016	10,030.00
02/02/16	PCD	General Administrative	1000-14000-52110		(600.00)
		Overtime		1000-14000-51340	600.00
02/02/16	IT	Consultant Services	1000-03500-55180		(332.47)
		Salaries & Wages, PT Perm		1000-03500-51215	332.47
02/03/16	PW/Bldg & Grnds	Contractual Services	1000-22000-55185-0229		(2,500.00)

	PW/Garage	Tires		1000-22000-53530-0225	2,500.00
02/05/16	PW/Recycling	Contractual Services	1000-22000-55185-0222		(3,000.00)
	PW/Highway	Contractual Services		1000-22000-55185-0226	3,000.00
02/08/16	PW/Highway	General Specialized Equipment	1000-22000-53100-0228		(3,000.00)
	PW/Garage	Tires		1000-22000-53530-0225	2,750.00
	PW/Highway	Cell Phone		1000-22000-54120-0225	250.00
02/08/16	Senior	Repair/Maintenance to Buildings	1000-32000-53380-0130		(300.00)
	Recreation	Busing	1000-32000-55415-0321		(700.00)
		Advertisements		1000-32000-52115-0321	1,000.00
02/16/16	Human Resources	Arbitration Services	1000-05000-55135-0170		(5,295.00)
	OGC	Court Costs		1000-05000-55130-0050	5,295.00
02/16/16	Senior	Repairs/Maintenance to Buildings	1000-32000-53380-0130		(160.00)
		Misc Repairs & Maintenance		1000-32000-53280-0130	160.00
02/16/16	Recreation	Salaries & Wages, PT Seasonal	1000-32000-51230-0321		(20,000.00)
		Salaries & Wages, PT Temp		1000-32000-51220-0321	20,000.00
02/23/16	PW/Highway	General Administrative	1000-22000-52110-0226		(200.00)
	PW/Recycling	General Administrative		1000-22000-52110-0222	200.00
02/23/16	IT	Consultant Services	1000-03500-55180		(124.84)
		Salaries & Wages, PT Perm		1000-03500-51215	124.84
02/23/16	PW/Sanitation	Repairs/Maintenance to Vehicles	1000-22000-53520-0230		(10,000.00)
	PW/Garage	General Vehicle Services		1000-22000-53510-0225	10,000.00
02/23/16	PW/Sanitation	Waste Removal	2020-40000-55410		(757.00)
		Interdepartmental Services		2020-40000-52125	757.00
02/23/16	PW/Highway	Snowplowing Private Contractors	1000-22000-55471-0226		(11,000.00)
		Custodial OT		1000-22000-51334-0226	5,000.00
	PW/Garage	General Vehicle Services		1000-22000-53510-0225	6,000.00
					0.00

C. Grant Confirmation and Approval - Board of Education, Various Grants (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457
REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 252Date of Request: 2/18/2016

Name of Grant: as listed below

Amount Requested: \$1,619,861.91Code: 2450-33000-59405-X-03025

Grant Period: From: 7/1/2015 To: 6/30/2016Rev Code 2450-33000-43480-X-X

Type of Grant: Amount Loaned from General Fund: \$0.00

Department Administering Grant: Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes or which they were granted.

Description of services to be provided by this Grant:
2002 - Title I - Imprv Basic Pgms, Public \$817,046.00; 2003 - Title I - Imprv Basic Pgms, Non-Public \$1,013.00; 2041 - migrant and Youth Ed Pgm \$14,118.00; 2126 - Title II Part A - Teachers, Public \$166,887.00; 2127 - Title II Part A - Teachers, Non-Public \$57,128.00, 2371 - Even Start Fam Lit Pgm (\$1,485.00) Grant Reduction; 2716 - Parent Leadership PLTI & PEP (\$2,315.57) Grant Reduction; 2747 - EASTCONN - School Health \$3,000.00; 2552 - Alliance School Construction \$81,605.00; 2799 - Food Services \$226,000.49; 2721- SPED Medicaid \$3,431.03; 2724 - United Way YSD \$29.03; 2732 - Swaim Strings Pgm - \$7,240.00; 8001 - Insurance Retirees/COBRA \$186,192.84; 8004 - Preschool Pgm \$8,670.00; 8009 - Maintenance/Rentals \$5,439.50; 8011 - Chromebook Repl Fund \$630.00; 8023 - Central Office Receipts \$6,362.25; 8033 - ADED Receipts \$690.00; 8034 - ADED Enrichment \$17,582.06; 8035 - ADED Other Receipts \$39.00; 8036 - Even Start Fam Learn Pgm \$833.00; 8037 - Even Start Receipts \$198.36; 8093 - Fingerprinting Receipts \$206.50; 8095 - SPED Tuition Reimbursement \$5,899.76; 9010 - Kelgwin Parent Fees \$100.00; 9150 - Student Activities - MHS \$12,309.16; 9151 - Student Activities - WWMS \$1,012.50 Special Programs through 1/15/16 \$13,656,545.85 ADDITIONS \$1,619,861.91 Total Special Programs through 2/18/16 \$15,276,407.76.

Signature: Patricia Charles

Requested by: Patricia Charles, ED.D.

Status:

Status Date:

D. Grant Confirmation and Approval - Board of Education, WWMS Security Phase 2 (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 253

Date of Request: 2/18/2016

Name of Grant: Woodrow Wilson Security Grant Phase 2

Amount Requested: \$91,519.18

Code: 2450-33000-59405-X-03025

Grant Period: From: 7/1/2015 To: 6/30/2016

Rev Code: 2450-33000-43480-X-X

Type of Grant:

Amount Loaned from General Fund: \$91,519.18

Department Administering Grant: Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes or which they were granted.

Description of services to be provided by this Grant:
Board of Education's portion of the WWMS Security Grant Phase 2 in anticipation of State Reimbursement - \$91,519.18.

Signature: Patricia Charles

Requested by: Patricia Charles, ED.D.

Status:

Status Date:

E. Grant Confirmation and Approval - Health Dept., Kids Health and Safety (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 251

Date of Request: 2/12/2016

Name of Grant: Kids Health and Safety

Amount Requested: \$2,500.00

Code: 3070-31000-57030-03380-x-x-x

Grant Period: From: 7/1/2015 To: 6/30/2016

Rev Code: 3070-31000-48195-x-x-x-x

Type of Grant: local

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Health

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
Middletown Kids Health & Safety Day: offer education information about wellness, interactive exhibits, health screenings, child identification, etc. Middlesex Eye Physicians \$2,500

Signature: Sal Nesci

Requested by: Sal Nesci

Status:

Status Date:

F. Grant Confirmation and Approval - Planning Conservation and Development, Wesleyan Hills to Wesleyan University Multi-use Trail, First Supplemental (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 249

Date of Request: 2/9/2016

Name of Grant: Wesleyan Hills to Wesleyan University Multi-use Trail- 1st Supplemental

Amount Requested: \$13,111.20

Code: 3635-1400-59200-x-x-2015

Grant Period: From: 9/24/2014 To: 12/31/2016

Rev Code: 3635-1400-43242-x-x-2015

Type of Grant: Federal

Amount Loaned from General Fund: \$13,111.20

Department Administering Grant: Planning, Conservation and Development

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
This is a first supplemental grant award for the design of the Wesleyan Hills to Wesleyan University Multiuse Trail. State Project Number 82-311 and Federal Aid Project Number PEDS(164). Total amount of additional grant is 16,389.00

Signature:

Requested by: Michiel

Status:

Status Date:

G. Grant Confirmation and Approval - Planning, Conservation, and Dev., Wesleyan University Multi-Use Trail Decrease in grant (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 250

Date of Request: 2/10/2016

Name of Grant: Wesleyan Hills to Wesleyan University Multi-Use Trail

Amount Requested: (\$26,847.00)

Code: 3635-14000-59200-x-x-2015

Grant Period: From: 9/24/2014 To: 12/31/2016

Rev Code: 3635-14000-43242-x-x-2015

Type of Grant: State

Amount Loaned from General Fund: \$0.00

Department Administering Grant: PCD

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
Conflicting letters from State, Federal costs per project 82-311 status report. \$202,400.00

Signature:

Requested by: Michiel Wackers

Status:

Status Date:

H.

Grant Confirmation and Approval - Mayor's Office, School Readiness

(Approved)

CITY OF MIDDLETOWN

MUNICIPAL BUILDING

MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL

OF THE FOLLOWING GRANT

Grant Number:

254

Date of Request:

2/19/2016

Name of Grant:

School Readiness Grant

Amount Requested:

\$40,158.00

Code:

8730-33000-59200-X-03740-2016

Grant Period: From:

7/1/2015

To:

6/30/2016

Rev Code

8730-33000-43242-X-03740-2016

Type of Grant:

State

Amount Loaned from General Fund:

\$40,158.00

Department Administering Grant:

Mayor's Office/Superintendent of Schools

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:

The State recently notified the City of additional funding for Middletown's School Readiness Programs.

Signature:



Requested by:

Mayor Daniel T. Drew

Status:

Status Date:

I.

Notification of authorization of payment re: Mattabassett Project

(Approved)

Norwood, Marie

From:

thomas_j_serra@comcast.net

Sent:

Friday, February 19, 2016 10:42 AM

To:

Norwood, Marie

Subject:

3/7/16 Council Agenda item

Attachments:

ATT00001.htm

Marie,

Please add the below 2/1/16 "authorization communication" between Brig Smith and Carl Erlacher to the Department, Committee, Commission Reports and Grant Confirmation Approval Section of the 3/7/16 Council Agenda.

Thanks.

Tom

From:

"Carl Erlacher" <Carl.Erlacher@MiddletownCT.Gov>

To:

"Thomas Serra" <thomas_j_serra@comcast.net>

Sent:

Friday, February 12, 2016 3:10:20 PM

Subject:

FW: Authorization

From:

Smith, Brig

Sent:

Monday, February 01, 2016 4:48 PM

To:

Erlacher, Carl

Subject:

RE: Authorization

Carl,

Confirmed as to the undisputed \$76,000 in order to avoid the work stoppage threatened over the weekend.

Thanks,

Brig

From:

Erlacher, Carl

Sent:

Monday, February 01, 2016 4:47 PM

To:

Smith, Brig

Subject:

Authorization

Brig,

Please send me something which indicates I have the authorization to make the \$76,000 payment to the railroad without building committee minutes.

Carl

J. General Counsel Office - Legal Opinion, Building Committee for Parks Bond (Accepted)

OPINION NO. 2016-01



FORMAL OPINION
FROM THE OFFICE OF THE GENERAL COUNSEL

TO: MAYOR DANIEL T. DREW
FROM: BRIG SMITH, GENERAL COUNSEL
CC: COMMON COUNCIL
JOSEPH SAMOLIS, CHIEF OF STAFF
BILL RUSSO, DIRECTOR, PUBLIC WORKS AND RECREATION AND
COMMUNITY SERVICES
OGC PERSONNEL
DATE: JANUARY 29, 2016
RE: BUILDING COMMITTEE REQUIREMENT FOR PARK BOND
AUTHORIZATION

BACKGROUND

At its September 2, 2015 meeting, the Common Council approved “an ordinance appropriating \$33,450,000 for the redesign, renovation, replacement, reconstruction, construction and improvements at athletic fields, parks and trails city-wide and authorizing the issue of \$33,450,000 bonds of the City to meet said appropriation....” **Exhibit A.** This was an amended bond ordinance that lowered the original appropriation of \$36,950,000 approved at the August 24, 2015 Council Meeting. The original appropriation was met with opposition, as the bond issuance would have authorized synthetic field turf, while many felt it should only authorize natural grass fields. The bond amount was lowered to \$33,450,000 and the ordinance was amended to reflect that fields would be natural grass, rather than synthetic field turf. The bond issuance was approved by the voters in the November 3, 2015 General Election.

The time has come to implement some of the envisioned improvements and spend some of the authorized money. Two questions have arisen: (1) must a building committee be appointed to oversee expenditures of this bond money and, if so, (2) can the building committee be comprised of an existing Councilmanic committee like the Public Works Commission. This formal opinion answers both questions.

QUESTIONS PRESENTED

1. Must a building committee be appointed to oversee spending of the \$33,450,000 bond issuance for the improvement of “athletic fields, parks and trails city-wide”?
2. If so, can an existing Councilmanic committee like the Public Works Commission serve as the building committee?

SHORT ANSWERS

1. No. The park bond is an “omnibus” ordinance that authorizes a multitude of various projects city-wide, rather than a single large project for which a building committee would be required. In this respect, it is like other large “omnibus” bond authorizations, including road bonds, which provide for a host of improvements and have not used building committees to oversee them.
2. Yes, but only for small projects and with Mayoral recommendation. Again, no building committee is required, but if one were required, it would need to comport with the Building Committee Ordinance, 14-23, which specifies the number of types of members that must be appointed with Mayoral nomination and Council confirmation. For projects under \$500,000, the Mayor may, but is not required to, designate an existing Councilmanic committee. That ordinance does not preclude simple and informal Mayoral advisory committees, either, but again this would be the prerogative of the Mayor.

ANALYSIS

- I. A BUILDING COMMITTEE IS NOT REQUIRED FOR AN “OMNIBUS” BOND AUTHORIZATION.

A. The Parks Bond Ordinance

The actual authorizing language of the bond ordinance lists a whole host of potential improvements City-wide, with an open-ended grant of discretion as to their nature, scope, and location:

Section 1. The sum of \$33,450,000 is hereby appropriated for redesign, renovation, replacement, reconstruction, construction and improvements to the athletic fields, parks and trails located at Woodrow Wilson School, Lawrence School, Moody School, Snow School, Wesley School, Pat Kidney Field, Hubbard Park, Smith Park, McCutcheon Park, Country Club Road Soccer Complex, Long Hill Road Soccer Complex, Palmer Field, Harbor Park, Spear Park and the Trail Spur off of the existing Mattabesett Trolley Trail as recommended by Milone & MacBroom in its study entitled, “City of Middletown Athletic Fields and Parks Evaluation – Recommended Improvements,” dated July 21, 2015, and at Veteran’s Park, McCarthy Park, Butternut Hollow Park, Westlake Drive Park (after the Park is acquired by the City), and any additional City school and City-owned site as determined by the Common Council. Said redesign, renovation, replacement, reconstruction, construction and improvements include, without limitation, demolition of existing site improvements and buildings; the installation of new multi-use natural grass fields; restoration of existing park and school recreation facilities for a variety of outdoor activities including, but not limited to, football,

soccer, lacrosse, baseball, softball, and frisbee fields; basketball, volleyball and tennis courts; track and related field events; installation of new exercise and walking trails; construction of trails and bike paths and routes; pool upgrades, splash pad/spray park and playground construction, benches, trash receptacles, bike racks and signage; new and renovated fencing; pavement removal and replacement including curbing, sidewalks, painting, and striping; signage; landscaping and other site furnishings and amenities; demolition as needed; removal and replacements of grandstands, bleachers, lighting; construction of restrooms, concession and storage buildings; installation of security cameras; installation of ADA compliant site and building improvements; replacement of floating boat dock system; other equipment, property and appurtenances related thereto; the costs of professional services including, but not limited to, surveying, landscape architecture, engineering, architecture, construction and contract administration, and inspection; and all other costs necessary or appropriate for the project, including a contingency amount necessary to cover unexpected construction costs, project administration, advertising, printing, legal, and financing costs related thereto (hereafter the "Project"). Said appropriation shall not be inclusive of state and federal grants in aid thereof.

Although the bond ordinance defines all of these potential projects using the defined term "Project," this is actually a term of convenience the City typically uses in its bond ordinances and does not actually define all of these activities as a single \$33 million "Project."

For instance, our road bonds do the same thing and use the same language in authorizing a whole host of projects City-wide using "Project" as the defined term in the singular. The operative language from our last road bond ordinance, a \$15,200,000 issuance passed in 2013, reads as follows:

Section 1. The sum of \$15,200,000 is hereby appropriated for the City of Middletown 2013 Road, Sidewalk and Public Works Facilities Improvement Program consisting of the planning, acquisition and construction of improvements to City roads, sidewalks and public works facilities, including paving, drainage, curbing, pipe inspections, pavement treatment and related improvements, utility relocation and repair, reconstruction or repair of abutting properties, sidewalk repair, replacement and extension, guardrails, public works building and structure improvements, and for testing, consultant services, administrative, printing, legal, and financing costs related thereto, said improvements to be made at all or any portion of the locations set forth in Schedule A hereto (hereinafter the "Project"). The Common Council may, by resolution, add to or delete from Schedule A any location or improvement authorized herein, provided, however, that the total appropriation and bond authorization shall not be increased.

Like the 2015 parks bond ordinance, the 2013 road bond ordinance provides a comprehensive list of actions and areas for improvement. They include improvements that would greatly exceed the \$500,000 threshold referenced in the Building Committee Ordinance. For instance, the 2013 road bond ordinance lists a \$1,944,000 improvement on Boston Road. No building committees were appointed for the 2013 road bond, nor to this office's knowledge, for any other "omnibus" bond issuances that encompass a host of potential projects rather than a single large project.

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B. The Building Committee Ordinance

The Building Committee Ordinance sets forth the triggers for appointing a building committee for a project and the criteria for membership on the committee. It provides the following:

§ 14-23. Appointment.

Building committees for any City project having a total cost of over \$500,000 shall be appointed by the Mayor with the consent of the Common Council for all such projects, including the construction or renovations of buildings. Separate building committees shall be appointed for each such project, and said committees shall terminate upon completion of the project, or sooner upon a recommendation of the Mayor and approval by the Common Council.

§ 14-24. Membership.

- A. All such building committees shall consist of not fewer than five nor more than 11 members, all of whom shall be electors of the City, including the following representation:
 1. Not less than one member with experience in building renovation.
 2. Not fewer than two members with experience in construction.
 3. Not less than one member with experience in business and finance.
 4. Not less than one member representing the City's Committee Concerning People with Disabilities (CCPD).
 5. For school projects, not less than one member representing the Board of Education.
 6. For school projects, not less than one member who is a certified teacher within the Middletown school system.
 7. Three council members, one minority, two majority (school projects).
 8. One member of the public.
- B. For projects having a total cost of less than \$500,000 the Mayor may, with the consent of the Common Council, designate an existing commission, committee or board to serve as the building committee.

§ 14-25. Powers and duties.

Such building committees shall:

- A. Oversee the progress and completion of all projects assigned to them by the City of Middletown.
- B. Review and approve for payment, where warranted, all bills and obligations of the project.
- C. Make recommendations concerning said building projects to the Mayor and Common Council.

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- D. Make recommendations to the Mayor as to proposed change orders. The Mayor shall notify the Finance and Government Operations Commission of the Common Council of all change orders approved.
- E. Provide quarterly status reports to the Finance and Government Operations Commission and provide such information concerning any building projects undertaken by the City of Middletown as may be requested by the Common Council.
- F. Provide a financial report to the Finance Department at the conclusion of the project which includes a schedule of anticipated project revenues along with their anticipated date(s) of receipt. The Board of Education shall provide such information for all school projects.
- G. In cases of projects that will require a bond referendum, energy efficiency and conservation measures shall be evaluated in accordance with LEED (Leadership in Energy and Environmental Design, United States Green Building Council) criteria in the initial planning, design and budget phases of the project and report to the Common Council the results of such deliberations.

§ 14-26. Meetings.

Building committees shall meet regularly when such projects are undertaken with staff assistance from the Director of Public Works, Director of Water and Sewer, engineering staff of Public Works or Water and Sewer, and the City Fire Marshal. The committee may also request the assistance of other City departments.

The Building Committee Ordinance contains provisions that, if read strictly and without regard to the ordinance as a whole, would seem to obligate the City to appoint separate building committees for every single project that exceeds \$500,000. This has never been the City's practice, nor could it be, as it would threaten to grind the gears of government to a halt by requiring an onerous oversight structure for all of the countless small- to mid-sized projects the City does each year.

It is a cardinal rule of statutory (and ordinance) construction that an ordinance should be read as a whole and in such a way as to avoid absurd or unworkable results, and reading the Building Committee Ordinance to require a committee for every project over \$500,000 would produce just such results. As the Connecticut Supreme Court has opined, "A local ordinance is a municipal legislative enactment and the same canons of construction which we use in interpreting statutes are applicable to ordinances." *Maciejewski v. Town of West Hartford*, 194 Conn. 139, 151 (1984) (citing *Duplin v. Shiels, Inc.*, 165 Conn. 396, 398-99 (1973); *Aaron v. Conservation Commission*, 183 Conn. 532, 537 (1981)). "The law favors rational and sensible statutory construction." *Id.* (citing 2A Sutherland, Statutory Construction (4th Ed.) § 45.12). "When two constructions are possible, courts will adopt the one which makes the [ordinance] effective and workable, and not one which leads to difficult and possibly bizarre results." *Id.* at 152 (quoting *Muller v. Town Plan & Zoning Commission*, 145 Conn. 325, 331 (1958)). The City has borne this out in practice, as we have not required building committees for every project that exceeds \$500,000 within an omnibus bond authorization, but have utilized them only for actual, discrete, large projects like Eckersley Hall, the Middletown High School, and Mattabassett.

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The distinction between single-issue and omnibus bond ordinances holds true based on past practice, particularly with respect to parks. Ordinance No. 33 of 1989 appropriated \$4,000,000 for the Thomas J. Smith Memorial Park. **Exhibit B.** In conjunction with this bond ordinance, Resolution No. 36 was passed requesting appointment of a building committee with Mayoral nomination and Council confirmation. **Exhibit C.** Were the September 2, 2015 park bond ordinance a single-issue, rather than omnibus, authorization, the same rule would apply.

II. COUNCILMANIC COMMITTEES CAN SERVE AS BUILDING COMMITTEES FOR PROJECTS UNDER \$500,000 WITH MAYORAL NOMINATION AND COUNCIL CONFIRMATION.

Again, no building committee is required for the September 2, 2015 bond ordinance, but if one were required, it would need to comport with the Building Committee Ordinance, 14-23. Under that ordinance: "For projects having a total cost of less than \$500,000 the Mayor may, with the consent of the Common Council, designate an existing commission, committee or board to serve as the building committee." Note that the \$500,000 threshold was added, without debate and unanimously, in Ordinance No. 3 of 1997. The Council Minutes regarding the various amendments to the Building Committee Ordinance over the years are attached as **Exhibit D.**

CONCLUSION

The Building Committee Ordinance, as written and as applied in past practice, does not require building committees for "omnibus" bond authorizations. The ordinance, however, would benefit from being revised and updated to better reflect the City's current needs. The Office of the General Counsel recommends that a revision be prepared to that end, and we remain ready, willing, and able to assist in that regard.

Exhibit A

bring the top number to the table so we don't have to come back. We are comfortable with building everything in the bond. We even looked at turf four and five years out. Councilwoman Kleckowski asks the turf the natural grass, what is the info of that and what are we taking away from open space. Mr. Russo responds this bond we have a great resource at Crystal Lake with our walking trails and flying kites; Vets is different park so is Bitternut and Pat Kidney. The bike trail, people will walk or jog and bike. There is something for everyone in the bond. The one thing we can lose sight of is the field usage. When we use them as we are using them, it is difficult to maintain. Councilwoman Kleckowski wants to keep the recreation community in mind.

The Chair, seeing no additional questions to directors, closes this portion of the meeting at 9:41 p.m.

7. Mayor requests Council Clerk to read the bond ordinance request and the Certificate of Director of Finance.

- A. Approving amending the Bond Ordinance approved by the Common Council on August 24, 2015 in the amount of \$36,550,000 to An Ordinance Appropriating \$33,450,000 For The Redesign, Renovation, Replacement, Reconstruction, Construction And Improvements At Athletic Fields, Parks And Trails City-Wide And Authorizing The Issue Of \$33,450,000 Bonds Of The City To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose (Read Section 1)

Ordinance No. 19-15
File Name 15sep23bondordinanocamendedparksproj
(Amended and Approved)

WHEREAS, on August 24, 2015, the Common Council of the City of Middletown, Connecticut (the "City") approved a Bond Ordinance entitled: "AN ORDINANCE APPROPRIATING \$36,550,000 FOR THE REDESIGN, RENOVATION, REPLACEMENT, RECONSTRUCTION AND IMPROVEMENTS AT ATHLETIC FIELDS, PARKS AND TRAILS CITY-WIDE AND AUTHORIZING THE ISSUE OF \$36,550,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" (the "Original Bond Ordinance");

WHEREAS, the Original Bond Ordinance limits the construction of new athletic fields to natural grass only;

WHEREAS, based on information provided by the engineer that conducted the parks study for the City, the cost of constructing natural grass fields is less than the cost of constructing synthetic turf fields;

WHEREAS, there remains a strong demand for the use of City athletic fields;

WHEREAS, as a result, the Common Council now desires to amend the Original Bond Ordinance by reducing the amount of the appropriation and bond authorization and by expanding the list of potential City-owned sites to locate such natural grass athletic fields, parks and trails; and

WHEREAS, the Original Bond Ordinance shall be amended, restated and replaced by Sections 1 through 14 below.

NOW THEREFORE, THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN, CONNECTICUT APPROVES THE FOLLOWING:

Section 1. The sum of \$33,450,000 is hereby appropriated for redesign, renovation, replacement, reconstruction, construction and improvements to the athletic fields, parks and trails located at Woodcox Wilson School, Lawrence School, Moody School, Snow School, Wesley School, Pat Kidney Field, Hubbard Park, Smith Park, McCutcheon Park, Country Club Road Soccer Complex, Long Hill Road Soccer Complex, Palmer Field, Harbor Park, Spear Park and the Trail Spur of the existing Middlesex Trail as recommended by Morse & MacDroom in its study entitled, "City of Middletown Athletic Fields and Parks Evaluation - Recommended Improvements" dated July 21, 2015, and at Veterans Park, McCarthy Park, Butternut Hollow Park, Westlake Drive Park (after the Park is acquired by the City), and any additional City school and City-owned site as determined by the Common Council. Said redesign, renovation, replacement, reconstruction, construction and improvements include, without limitation, demolition of existing park and school monorial facilities for a variety of outdoor activities including, but not limited to, football, soccer, lacrosse, basketball, softball, and frisbee fields; basketball, volleyball and tennis courts; track and related field events installation of new exercise and walking trails; construction of trails and bike paths and routes; pool upgrades, splash pad/playground park and playground construction, benches, trash receptacles, bike racks and signage; new and renovated fencing; pavement removal and replacement including curbing, sidewalks, parking, and siting; signage; landscaping and other site furnishings and amenities; demolition as needed; removal and replacements of grandstands, bleachers, lighting; construction of restrooms, concession and storage buildings; installation of security cameras; installation of ADA compliant site and building improvements; replacement of floating boat dock system; other equipment, property and appearances related thereto; the costs of professional services including, but not limited to, surveying, landscape architecture, engineering, architecture, construction and contract administration, and inspection; and all other costs necessary or appropriate for the project, including a contingency amount necessary to cover unexpected construction costs; project administration, advertising, printing, legal and financing costs related thereto (hereinafter the "Project"). Said appropriation shall not be inclusive of state and federal grants in aid thereof.

Section 2. The expected useful life of the Project is in excess of twenty (20) years. The total estimated cost of the Project is \$33,450,000, no portion of which is expected to be paid from sources other than the proposed bond issue.

Section 3. To meet said appropriation \$33,450,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth (20th) year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer. The bonds shall be issued in an amount necessary to meet the City's share of Project costs determined after considering the estimated amounts of grants in aid of the Project and will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be continued with other bonds of the City and such continued issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. The bonds shall bear such rate or rates of interest (whether fixed or floating) as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds of each series, the annual installments of principal, maturity dates, prices, redemption provisions, if any, time of issue and sale, and other terms, details and particulars of such bonds, including the terms of any reserve that might be established as authorized herein, shall be determined by the Mayor and the City Treasurer in the best interests of the City and in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. If the bonds are sold by negotiation, the purchase contract shall be approved by the Mayor and City Treasurer.

Section 5. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes extending such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-203b, as may be approved and executed by the Mayor and the City Treasurer, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council.

Section 7. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund future debt service payments on such bonds or notes or to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 8. In order to meet the capital cash flow expenditure needs of the City, the Director of Finance, with notice to and advice from the Mayor and the City Treasurer, is authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 9. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 10. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

SEPTEMBER 2, 2015	SPECIAL COMMON COUNCIL MEETING	PAGE 12
Section 11. The Mayor, the City Treasurer, the Director of Finance and any other proper City official are each hereby authorized to apply for and accept any available State or Federal grant in aid of the financing of the Project, and to take all action necessary or proper in connection therewith.		
Section 12. The City hereby expresses its official intent pursuant to 1159-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid 60 days prior to and after the date of passage of this ordinance in the maximum amount and for the Project with the proceeds of bonds, notes, or other obligations authorized to be issued by the City. Such obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date as the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of any such reimbursement obligations, and to amend this declaration.		
Section 13. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20a of the general statutes with respect to secondary market discounts and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.		
Section 14. This ordinance shall take effect when the same shall have been approved by a majority of those voting thereon at a referendum called and named for such purpose. The date and other particulars of such referendum shall be determined by resolution of the Common Council. In the event that this ordinance shall not be approved at such referendum, it shall be null and void and of no effect.		
SEE ATTACHED DEBT LIMITATION SCHEDULE		
DEBT STATEMENT		
June 30, 2015		
CITY OF MIDDLETOWN, CONNECTICUT		
ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")		
Fiscal Year Ended June 30,		
2014		112,444,534
BORROWING CAPACITY FOR EACH CLASS		
2-1/4 times base for General Purposes		253,000,427
4-1/2 times base for Schools		506,000,853
3-3/4 times base for Sewers		421,667,378
3-1/4 times base for Urban Renewal		365,445,061
3 times base for Unfunded Past Benefit Obligations		337,333,802
MAXIMUM AGGREGATE BORROWING CAPACITY		787,112,438
7 times base		
INDEBTEDNESS BONDS AND NOTES:		
GENERAL PURPOSES	58,262,645	
SCHOOLS	13,186,380	
SEWERS	5,697,700	
URBAN RENEWAL - UNFUNDED PAST BENEFIT OBLIGATIONS		
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
GENERAL PURPOSES	25,979,270	
SCHOOLS	834,000	
SEWERS	11,566,720	
URBAN RENEWAL - UNFUNDED PAST BENEFIT OBLIGATIONS		
CLEAN WATER FUND LOANS:		
SEWERS	5,153,750	
SUB-TOTAL INDEBTEDNESS	120,700,475	
LESS:		
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES		
GENERAL PURPOSE	-	
SCHOOLS	-	
SEWERS	-	
URBAN RENEWAL	-	
TOTAL DEDUCTIONS	-	
NET INDEBTEDNESS		120,700,475
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	168,768,512	
SCHOOLS	491,580,473	
SEWERS	355,219,158	

SEPTEMBER 2, 2015	SPECIAL COMMON COUNCIL MEETING	PAGE 13
URBAN RENEWAL 365,445,061		
UNFUNDED PAST BENEFIT OBLIGATIONS 337,333,802		
BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE		666,411,963

Exhibit B

Agenda Item #9-3	Resolution
Resolution #195 1989	Whereas, the Housing Authority of the City of Middletown and the City of Middletown entered into a cooperative agreement on June 14, 1989, whereby, this agreement in part called for the Housing Authority of Middletown to make net shelter rent payments to the City of Middletown in return for various services; and
Waiving Shelter Rent Payments to the City for Long River Village	Whereas, the Housing Authority of Middletown and the City of Middletown entered into a similar cooperative agreement for Donna Tower, Maplewood Terrace and Lincoln Square; and
(AMENDED)	Whereas, no recent problems at Long River Village have prompted the Housing Authority of the City of Middletown to request recommendations for action by a Long River Village task force which it appointed; and
(Approved & Adopted)	Whereas, the Long River Village Task Force has recommended a Plan of Action which included the hiring of a Project Manager; and
	Whereas, the Housing Authority of the City of Middletown has agreed with the recommendations and will employ a Project Manager for said Project; and
	Whereas, the Common Council of the City of Middletown deems the hiring of a Project Manager in the best interests of the City of Middletown and Long River Village;
	Now therefore, be it resolved by the Common Council of the City of Middletown that the above City of Middletown be waived for fiscal year 1989-90 to allow it to employ a Housing Project Manager.
Councilman Gionfriddo presented Agenda Item #9-22.	
On motion of Councilman Pillarella, seconded by Councilman Shapiro, the roll call vote to Waive the Reading was as follows:	
	COUNCILMAN SERRA - AYE
	COUNCILMAN LOFFREDO - AYE
	COUNCILMAN PATTAYANA - AYE
	COUNCILMAN MARSELLI - AYE
	COUNCILMAN DEJALLO - AYE
	COUNCILMAN GIONFRIDDO - AYE
	COUNCILMAN PATNAUDE - AYE
	COUNCILMAN COMARAY-RACZYK - AYE
	COUNCILMAN SHAPIRO - AYE
	COUNCILMAN TIMBERO - AYE
	COUNCILMAN PILLARELLA - AYE
	COUNCILMAN AMARA - AYE
Agenda Item #9-22	AN ORDINANCE APPROPRIATING \$1,000,000 FOR IMPROVEMENTS TO CITY PARKS AND RECREATION FACILITIES AND AUTHORIZING THE ISSUE OF \$1,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION PRIOR TO THE 1989 FISCAL YEAR ENDING OR SUBSEQUENT SUBSEQUENT FOR SUCH PURPOSE
Ordinance #33 1989	BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: Section 1. The sum of \$1,000,000 is appropriated for improvements to city-owned parks and recreation facilities, now fully described as follows:
Appropriating \$4,000,000 for improvements to City Parks and Recreation Facilities; Authorizing the issue of \$4,000,000 Bonds of the City to Meet Said Appropriation and Pending the issue thereof the making of Temporary Borrowings for Such Purpose	1. The planning, acquisition and construction of improvements at Thomas J. Smith Memorial Park (or "Park"), including adjacent facilities at it newly added, consisting of (a) baseball field, park entrance, concession stand, picnic area, tennis courts, children's play area, parking lot, playground and nature trails including paving, drainage, site work or other improvements, and (b) improvements located on the grounds of the high school, adjacent to it Park and accessible in course of the Park
(Approved & Adopted)	

including the development of playing fields, area, a picnic area, lighting, and for construction of basketball court, and for demolition, paving, drainage, site work and landscaping.

2. The planning, acquisition and construction of improvements at Crystal Lake Park, including road improvements, parking lot, basketball court, construction of basketball, softball and soccer fields, picnic area with basketball court and other facilities, parking lot, new barn house, renovation of the pavilion, new playground facilities, a new camp program, water quality survey and paving, and for demolition, site improvements to the lake, and for demolition, site

The work described in Subsection 1.1 above is to be completed approximately in accordance with a plan and specifications entitled "7.3. South Memorial Park master plan, including the design of the new Crystal Lake, Connecticut." cited Parcel Moody School City of New Britain, Connecticut. The work described in Subsection 1.2 above is to be completed approximately in accordance with a plan and specifications entitled "Master plan for the new Crystal Lake, Connecticut." dated July 11, 1948. Both prepared by The Park Partnership, P.C., of New Hartford, Connecticut. An appropriation of \$4,000,000 for the project was made by the State of Connecticut for administrative, printing, legal and financing costs related thereto.

[illegible]

Section 4. Said bonds shall be sold by the Mayor and the City Treasurer at public sale or private sale, as the Mayor may determine. If sold at public sale, the bonds shall be sold upon sealed proposals or tenders, not less than ten and accrued interest thereon, to be received by the City Treasurer, and the proposal or tender of the highest bidder, who shall be the purchaser of the bonds, shall be accepted. A notice of sale or of the date of sale shall be published in the City of Middletown, in a summary thereof describing the bonds and setting forth the terms and conditions of sale, and the date of sale, at least seven days before the date of the sale in a recognized publication circulating in the City of Middletown, and the Mayor shall cause to be published in the municipal bond notice and the Mayor and the City Treasurer shall cause to be published in the municipal bonds, and a newspaper having general circulation in the City of Middletown. If the bonds are sold at private sale, the purchase agreement shall be made by the Mayor and the City Treasurer.

Section 5. The Mayor and the City Treasurer see authorized to make necessary mortgages in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor and the City Treasurer, or either of them, as a bank or trust company, and shall be certified by the Mayor and the City Treasurer to their legitimacy by Robinson & Coles, Inc., a duly organized corporation, and shall be certified by the City Treasurer pursuant to Section 7-371 of the General Statutes of Connecticut, as amended, with the provisions of said statute governing the issuance of such notes, as the

same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall be subject to the payment of principal and interest on the notes in full in accordance with the law relating to its issue has been fully complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of the renewals of such bonds, shall be included as a cost of the bonds. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal and interest on the bonds. The principal and interest on the notes shall be deposited with a bank or trust company in trust for such purpose.

Section 6. The Mayor of the City of Middletown is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing

Section 7. The issuance of bonds and notes authorized hereunder is within any debt limitation prescribed by law, as shown by the following statement as of September 5, 1989:

DEBT STATEMENT
September 5, 1985

CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION
\$ 34,775,755

BORROWING CAPACITY FOR EACH CLASS:		75,245,449
2-1/4 times base for General Purposes		156,490,898
4-1/2 times base for Schools		130,409,081
3-3/4 times base for Sewers		113,021,204
3-1/4 times base for Urban Renewal		

MAXIMUM AGGREGATE BORROWING CAPACITY		243,430.285
7 times base		
INDEBTEDNESS BONDS AND NOTES:		
General Purpose	\$24,479,621	
Schools	13,437,000	
Sewers	2,435,000	
Urban Renewal	0	
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
General Purpose	14,189,000	
Schools	9,158,000	
Sewers	16,788,000	
	\$39,135,000	

LESS	FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLE	
	General Purposes \$	75,660
	Schools	8,322,250
	Sewers	<u>7,394,000</u>
		\$15,791,910
		60,614,711

BALANCE OF BORROWING CAPACITY FOR EACH CLASS:	
General Purposes	39,692,488
Schools	144,288,148
Sewers	118,593,081
Urban Renewal	113,021,204

BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE	\$162,015,574
--	---------------

*includes underlying debt of \$30,000.00 Westfield Fire District

Councilman Serra: I would like to move for approval, your Honor.

Councilman DiStasio: Second.

Councilman Giomfrido motioned to delete the fourth paragraph, seconded by Councilman Giomfrido.

Council Members Serra and Giomfrido commented on the amendment.

The vote on the amendment was four Council Members, Marrelli, Pansalone, Shapiro and Giomfrido, voting Aye; eight Council Members, Serra, Lofredo, Patawaka, DiStasio, Conway-Sackas, Bourne, Filarella and Faraci, voting Nye. Mayor Giuseppe Giomfrido declared the amendment defeated.

The vote on the Resolution was unanimous; twelve Council Members voted Aye, and Mayor Giomfrido declared the Resolution approved.

Councilman Serra presented Agenda Item PP-3.

On motion of Councilman Lofredo, seconded by Councilman Lofredo, it was unanimously voted to Waive the Reading of the Resolution.

idea item #9-9
solution #36 of
concerning the Thomas
Stitt
proposed & Adopted)

9-9

RESOLUTION

WHEREAS, the City has had prepared an initial study of the proposed construction of the Thomas Stitt FID Partnership; and

WHEREAS, the estimated cost of the options and alternatives are \$9.89M and \$1.0M;

BE IT RESOLVED, AS IT IS RESOLVED BY THE BOARD COUNCIL OF THE CITY OF MINNEAPOLIS, That the Mayor is hereby authorized to execute the agreement with the Council, on less than a reves from Thomas G. Stitt Park Project;

BE IT FURTHER RESOLVED, That the Committee review the initial study of the FID Partnership, and the Mayor is requested to conduct and including planning, grants and phasing within the fiscal City budget; and

BE IT FURTHER RESOLVED, That the Council request to recommend the study to the Mayor and Communc Council.

BE IT FURTHER RESOLVED, That the Mayor is requested to advise appropriate steps to advise the Council to be taken.

Councilman Serra: Move for approval, your Honor.

Councilman DeSalo: Second.

The vote on the Resolution was unanimous; twelve Council Members voted Aye, and Mayor Ginnifield declared the Resolution approved.

Exhibit D

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13.

Common Council Meeting - May 7, 1964

68 General Purpose Division

such holding convenience shall:

1. Cover the property and completion of all projects intended to them by the City at Midlandton
2. Have reasonable engineering and building projects in the major and District Councils
3. Make arrangements for the major in its prearranged design, the major shall notify the District Councils of the Council Council
4. Provide such information concerning any building projects undertaken by the City of Midlandton as may be required by the Council Council

68 Minutes

Building committees shall have regular meetings with such projects as mentioned with staff assistance that the Director of Public Works, Director of Finance and Planning, and the Director of Public Works, and the City of Midlandton. The committee may also report the substance of other city departments.

Item #9-17

Section 175

Planning Redevelopment

Item #9-18

Section 175

Planning Redevelopment

Item #9-19

Section 175

Planning Redevelopment

Item #9-20

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Item #9-147

Section 175

Planning Redevelopment

Item #9-148

Section 175

Planning Redevelopment


January 3, 1997	Common Council Meeting	18
	agrees with Councilman Winzer. He does not believe that the South Fire District has taken the matter up, and we are meeting next Monday. Councilman Patrucco asks if there is a motion on floor; the Acting Chair states there is only a suggestion on floor.	
Motion to Refer	Councilman Winzer moves to refer this back to the Fire Commission and this motion is seconded by Councilman Singora. The vote is called, and it is unanimous, with twelve ayes, to refer this to the Fire Commission.	
	Councilwoman Stawczyk reads and moves agenda item 9-16 for approval; Councilman Winzer seconds the motion.	
Motion to Amend	Councilman Mirzadeh moves to amend this resolution in various places; the first, in paragraph (c) established add the language for any City project having a total cost of over Five Hundred thousand Dollars (\$500,000.00) and remove [for the City]; the second, a new paragraph 2, under b to read (2) For projects having a total cost of less than Five Hundred thousand Dollars (\$500,000.00), the Mayor may designate with the consent of the Common Council, an existing commission, committee or board can serve as the building committee; and to change the language in paragraph E, under subparagraph o to read E. Provide a financial report to the Finance Department at the conclusion of the project which includes a schedule of anticipated project revenues along with their anticipated date of receipt. Councilman Gionfriddo seconds the amendments.	
Agenda Item 9-16 Ordinance Number: 3-97 Description: (Amended and Approved)	Amending Section 26-13. Requirements for Building Committees, Of Chapter 26 of the Middletown Code of Ordinances. Be it ordained by the Common Council of the City of Middletown: That Section 26-13. Requirements for Building Committees, Of Chapter 26 of the Middletown Code of Ordinances be amended to read as follows: Sec. 26-13. Requirements for Building Committees. (a) Established. Building Committees for any City project having a total cost of over Five Hundred thousand Dollars (\$500,000.00) [for the City] shall be appointed by the Mayor with the consent of the Common Council for all such projects including the construction or reconstruction of buildings. Separate building committees shall be appointed for each such project and said committees shall terminate upon completion of the project. (b) Membership. (1) All such building committees shall consist of not less than 5 nor more than 9 members including the following representation: A. Not less than one (1) member with experience in building construction. B. Not less than two (2) members with experience in construction. C. Not less than one (1) member with experience in business and finance. D. Not less than one (1) member representing the City's Committee Concerning People with Disabilities (CCPD). (2) For projects having a total cost of less than Five Hundred thousand Dollars (\$500,000.00), the Mayor may designate with the consent of the Common Council, an existing commission, committee or board to serve as the building committee. (c) General Purpose Duties. Such building committees shall: A. Oversee the progress and completion of all projects assigned to them by the City of Middletown; B. Make the recommendations concerning said building projects to the Mayor and Common Council; C. Make recommendations to the Mayor as to proposed change orders, the Mayor shall notify the Finance Committee of the Common Council of all change orders approved; and D. Provide such information concerning any building projects undertaken by the City of Middletown as may be requested by the	

January 3, 1997	Common Council Meeting	19
	Common Council. E. Provide a financial report to the Finance Department at the conclusion of the project which includes a schedule of anticipated project revenues along with their anticipated date(s) of receipt. The Board of Directors shall provide such information to the building committee for all such projects.	
	(4) Meetings. Building Committees shall meet regularly when such projects are undertaken with staff assistance from the Director of Public Works, Director of Water and Sewer, engineering staff of Public Works or Water and Sewer, and the City Fire Marshal. The committee may also request the assistance of other City departments. There is no discussion. The vote is called and it is unanimous to approve the amendments as proposed. The Acting Chair, hearing no further discussion on the amended resolution, calls for the vote on the amended motion. It is unanimous with twelve ayes; the Acting Chair declares the matter approved as amended. Councilman Winzer moves to adjourn and is seconded by Councilman Gionfriddo. The vote is unanimous and the meeting is adjourned at 9:45 p.m. ATTEST: Sandra R. Hutton City and Town Clerk	

December 5, 2005	COMMON COUNCIL MEETING	Page 15
Agenda Item	10-8	
	Councilman Robinson reads and moves for approval agenda item 10-8; his motion is seconded by Councilwoman Szewczyk. There is no discussion. The vote is called and it is unanimous to approve with eleven aye votes. The Chair states the matter carries.	
Resolution No.	146-05	
File Name	pcdJonahCTRMOUauth.doc	
Description	Authorizing the Mayor to sign the revised MOU between the City of Middletown and the Jonah Center for Earth and Art for a \$25,000 grant from the City.	
Approved)	Whereas, the Common Council of the City of Middletown approved a \$25,000 grant to the Jonah Center to hire a grant writer with the understanding that a Memorandum of Understanding (MOU) would be developed	
	Whereas, the Economic Development Committee approved the Jonah Center MOU (attached), and	
	Now, therefore, be it resolved by the Common Council of the City of Middletown: That the Jonah Center MOU is approved	
	BE IT FURTHER RESOLVED: That the Mayor is authorized to sign the MOU.	
Agenda Item	10-9	
	Councilman Santangelo reads and moves for approval agenda item 10-9; his motion is seconded by Councilman Robinson. There is no discussion. The vote is called and it is unanimous to approve with eleven aye votes. The Chair states the matter carries.	
Resolution No.	147-05	
File Name	moorccogext05.doc	
Description	Authorizing the Mayor to sign the addendum to the memorandum of Understanding between the Capital Region Council of Governments and the City of Middletown to extend the designation of CRCOG to administer grant funds from the Department of Emergency Management and Homeland Security through March, 2007 or until such time as the grant period expires.	
Approved)	Whereas, the City of Middletown elected to designate CRCOG as its sub-recipient to administer its grant funds available under the Fiscal Year 2004 and 2005 State Homeland Security Grant Program (SHSGP), Law Enforcement Terrorism Prevention Program (LETPP), and Citizen Corps Program (CCP); and	
	Whereas, CRCOG and the Municipality executed a Memorandum of Understanding (MOU) authorizing CRCOG to administer such grant funds on behalf of the Municipality through November, 2005; and	
	Whereas, an extension has been granted to the Department of Emergency Management and Homeland Security by the United States Department of Homeland Security, Office of Domestic Preparedness; and	
	Whereas, CRCOG and the Municipality mutually desire to include Fiscal Year 2005 SHSGP, LETPP, and CCP grant funds in said MOU and extend its term for both FY 04 and FY 05 funds through March 2007 or until such time the grant period expires; and	
	Whereas, all terms and conditions of the original agreement shall remain in full force and effect except as expressly modified above.	
	Now, therefore, be it resolved by the Common Council of the City of Middletown: That Mayor Sebastian N. Glutano is hereby authorized to sign the addendum to the Memorandum of Understanding between the Capital Region Council of Governments, a regional planning agency, and the City of Middletown to extend the designation of CRCOG to administer grant funds through March, 2007 or until such time the grant period expires.	
Agenda Item	10-10	
	Councilwoman Szewczyk reads and moves for approval agenda item 10-10; her motion is seconded by Councilman Serra. There is no discussion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter carries unanimously.	
Ordinance No.	10-05	
File Name	Sec14-23; 14-24.doc	

December 5, 2005	COMMON COUNCIL MEETING	Page 17
Description	Approving the amending of Sec. 14-23, Appointment, and Sec. 14-24, Membership, of Chapter 14 of the Middletown Code of Ordinances.	
Approved)	Be it ordained by the Common Council of the City of Middletown: That Sec. 14-23, Appointment, and Sec. 14-24, Membership, of Chapter 14 of the Middletown Code of Ordinances be amended to read as follows:	
	§ 14-23. Appointment.	
	Building committees for any City project having a total cost of over \$500,000 shall be appointed by the Mayor with the consent of the Common Council for all such projects, including the construction or renovations of buildings. Separate building committees shall be appointed for each such project, and said committees shall terminate upon completion of the project, or sooner upon a recommendation of the Mayor and approval by the Common Council.	
	§ 14-24. Membership.	
	A. All such building committees shall consist of not fewer than five nor more than [three] eleven members, all of whom shall be elections of the City, including the following representation:	
	(1) Not less than one member with experience in building reconstruction;	
	(2) Not fewer than two members with experience in construction;	
	(3) Not less than one member with experience in business and finance.	
	(4) Not less than one member representing the City's Committee Concerning People with Disabilities (CCPD).	
	(5) For school projects, not less than one member representing the Board of Education.	
	(6) For school projects, not less than one member who is a certified teacher within the Middletown school system.	
	(7) Three council members, one (1) minority, two (2) majority (school projects).	
	(8) One member of the public.	
	B. For projects having a total cost of less than \$500,000 the Mayor may, with the consent of the Common Council, designate an existing commission, committee or board to serve as the building committee.	
Mayor's Appointments:	The Chair appoints Joan Inglis to the CVH Advisory Council. Councilman Serra moves the appointment for approval and is seconded by Councilwoman Szewczyk. Councilman Lofredo questions what the duties and responsibilities are for the CVH Council; the Chair responds to keep the City apprised of what goes on at CVH. Councilman Lofredo asks if there are any qualifications needed; the Chair replies a citizen. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes.	
	The Chair appoints Rev. Moses Herrell to the Walter C. Jones Fund. Councilman Serra moves the appointment for approval and is seconded by Councilwoman Szewczyk. Councilman Lofredo asks about the duties and responsibilities. The Chair states it is a Board of Trustees. Councilman Lofredo asks for qualifications. The Chair replies a citizen and he has sat on the Board and is qualified. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes unanimously.	
	The Chair reappoints Brett Hasbrouck to the Inland/Wetlands and Water Courses Agency. Councilman Serra moves the appointment for approval and is seconded by Councilwoman Szewczyk. Councilman Lofredo asks about the duties and responsibilities. The Chair responds by stating any citizen to administer the current regulations and if necessary adopt new regulations regarding wetlands and water courses. Councilman Roberts comments this individual has served on this Commission already. There is no further discussion. The Chair calls for the vote and it is unanimous to approve with eleven aye votes. The Chair states the matter passes.	

MEMORANDUM

From: Councilman Sebastian N. Giuliano 
 To: Common Council
 Brig Smith, City Attorney
 Joseph Samolis, Administrative Assistant to the Mayor

I have reviewed Formal Opinion No. 2016-01, dated January 29, 2016, regarding the “building committee requirement for park bond authorization” [sic]. Two questions are addressed, i.e.

- (1) Must a building committee be appointed to oversee spending of the \$33,450,000 bond issuance for the improvements of “athletic fields, parks and trails city-wide?”
and,
- (2) If so, can an existing Councilmanic Commission, like the Public Works Commission, serve as the building committee?

The second question is the simpler of the two. In short, I agree with the analysis to the extent that it states that the provisions of the Building Committee Ordinance (14-23) control. I do not, however, agree with the conclusion that no building committee is required, which brings me to the first question and the opinion rendered as an answer thereto.

The opinion concludes that no building committee of any sort is required, because the park bond is an “omnibus” ordinance that includes funding for “a multitude of various projects city-wide, rather than a single large project for which a building committee would be required.” I can find no law to support such a conclusion. There is nothing in the City Charter or Code of Ordinances that would lead me to such a conclusion, nor do I find support therefor in either state or federal law.

I will begin with the Building Committee Ordinance itself. Without setting its provisions out verbatim, suffice it to say that it does not, by its express language, carve out an exception for “omnibus” bond ordinances. In fact, it does not refer to bond ordinances at all.

The current iteration of Ordinance 14-23 was adopted by the Common Council on December 5, 2005. Neither it nor any earlier version refers to bond ordinances of any sort, much less anything known as an “omnibus bond ordinance”. The requirement for a building committee extends to “any city project having a total cost of over \$500,000”; the funding source or sources for such project or projects is immaterial to the requirement.

The Formal Opinion improperly associates bond ordinances with the Building Committee Ordinance when, in reality, they are completely unrelated. A bond ordinance is an authorization to borrow and expend money. It defines what the borrowed funds may be expended for. Its existence is not a condition precedent to the applicability of the Building Committee Ordinance. Whether city projects are funded by borrowing money, appropriating money from the Fund Balance, adopting a budget that will fund a project, or using Local Capital Improvement (LoCIP) Funds, any city project costing over \$500,000 must have a building committee, in accordance with the mandatory language of the Building Committee Ordinance.

A rationale has been offered for the opinion that the building committee requirement is obviated by an “omnibus” bond ordinance by analogizing the parks bond to road bonds, which commonly cover multiple roads throughout the city. Such a conclusion fails on a number of grounds. First, as has been previously stated, there is no foundation in law for the existence of such a thing, let alone the granting of a privileged status vis-à-vis the Building Committee Ordinance. If anything, the dispensation of building committees for road work (or water/sewer work) is a generally recognized exception that makes sense. As the Opinion points out, “[i]t is a cardinal rule of statutory (and ordinance) construction that an ordinance should be read . . . in such a way as to avoid absurd or unworkable results . . .” Requiring a building committee for road work would produce such an absurd result. Roads are improved to established specifications and the work necessary to bring that about is narrowly defined. It is difficult to conceive of what would be significantly different between one mile of road and another. The work that the city does pursuant to road bonds is no different this year than it was ten years ago and will likely be no different from that which it will do ten years from now. For that reason, the city’s Purchasing Ordinances provide sufficient protections for the public interest and there are no meaningful duties for a building committee to perform in such situations.

Second, and just as absurd a result is the conclusion that states that, had each of the parks improvements aggregated in the Parks Bond been the subject of a separate ordinance, building committees would have been required for each one of them but, as all of them have been lumped-together in one big bond ordinance, the requirement can be dispensed with altogether. Again – and at the risk of being redundant – the recitations of the purposes of a bond ordinance do not trigger, or obviate, the applicability of the Building Committee Ordinance. Even were that so, the parks improvements funded through the Parks Bond are separate and distinct from one another and are not intended, or expected, to be undertaken as part of one continuous project or series of projects, but will be realized over many years.¹ As such, these projects will likely span the lives of

¹ The entire \$33,450,000 in bonds will not be sold in a single issue as to do so would likely be a violation of the federal prohibition of “arbitrage”. Once a bond is sold, the project to be funded thereby *must* commence within two years. Bonds, therefore, will be sold as each project is “ready” to be undertaken.

Recent experience demonstrates that projects that are, ostensibly, “single” (Middletown High School, the Senior/Community Center, the Francis T. Patnaude Pump Station and the force main) have what can easily be considered separate and distinct components. Furthermore, the bonds financing those projects were issued over multiple bond sales and even the subjects of separate bond referenda. The entire discussion of “separate vs. omnibus” projects is to attempt to make a distinction without a difference.


more than the current city administration and Common Council. To expect that they will be undertaken without the supervision of a building committee – or multiple building committees – is not only absurd, but foolhardy.

Third, municipal bonding is governed by federal law. Municipal bonds are tax-exempt and are intended to allow towns and cities to fund capital projects. In order that they will be used for the purposes intended, certain restrictions are placed upon their adoption and issuance. Among the restrictions is a prohibition of a practice known as “logrolling”. It is the amalgamation of unrelated projects in the same ordinance in order to court separate constituencies and, therefore, improve the chances of adoption. Such a prohibition would lead one to the logical conclusion that “omnibus” bond ordinances do not legally exist.² The law does not encourage, on the one hand, that which would be prohibited on the other.

My conclusion, therefore, is that a building committee, or multiple building committees, will indeed be required by the plain and unequivocal language of the Building Committee Ordinance.³ The membership thereof will be named by the Mayor and approved by the Common Council. The only question raised was whether the Public Works & Facilities Commission could be that building committee. I would agree that there is no present mechanism in the ordinances to directly bring about that result. The Mayor could, however, appoint all of the members of that Commission to such a building committee or, possibly, the Common Council could adopt a special ordinance for these projects.

² The Parks Bond, if it does not fall within the definition of prohibited logrolling, is dangerously close. Even the generalization of the reference “Parks Bond” is misleading, as a significant portion is made up of items that are not “parks” and even the broadest connotation of the word barely covers all of them.
³ The Public Works & Facilities Commission adopted a resolution recommending that it be the building committee. There was never any question that the Building Committee Ordinance applied and that a building committee was required, only whether a standing councilmanic commission could fulfill such a requirement. What gave rise to the question of whether a building committee was required at all, which became the main focus of the Formal Opinion, is unexplained.

K. **Clean Energy Task Force Draft Minutes - Greenskies Recommendations (Accepted)**



City of Middletown
CLEAN ENERGY TASK FORCE

MINUTES
FEBRUARY 17, 2016

Present
Acting Chair Dmitri D'Alesandro, Councilman Gerry Daley, Larry Chatfield, Jeff Pugliese, Augie DeFrance

Absent
Chair Jennifer Kleindienst Councilwoman Deborah Kleckowski, John Hall, Audrey J. Scotti,

Also Present
Christopher M. Holden, PE, Staff, Michael Harris – Energy Coordinator

1. Chair Opens Meeting
The meeting opened at 12:40 P.M.

2. Approval of Minutes
Gerry Daley moved approval of the minutes for the January 20, 2016, seconded by Augie DeFrance, approved unanimously.

3. Public Comment
There were no members of the public present for comment.

4. Old Business

1. Greenskies Solar Power Purchase Agreement for Higby Water Treatment Plant
Dmitri D'Alesandro opened the discussion with a report of his activities researching possible cost reducing changes to the proposal. Two of the items were the length of the connection from the solar array and the water treatment plant and the location of the array.

Michael Harris reported on his research. His analysis determined that the present cost of the proposed project utilizing an inflation/discount rate of 2.5%, is approximately \$140,000 more than if the project was not undertaken. There are three variables that can be adjusted to bring the costs of the project closer to parity with the current situation. They are adjusting: the ZREC share the City receives; the initial cost of electricity produced by the system; and rate of annual escalation of the cost of electricity. There is no relief from the demand charges because of the fact that the water is pumped to the storage tank at night, while there is no offset from the solar array.

K. Clean Energy Task Force Draft Minutes - Greenskies Recommendations (Accepted)

CETF Meeting MinutesJanuary 20, 2016Page 2

Gerry Daley moved that The Clean Energy Task Force recommends that the Greenskies solar power purchase agreement at the Highby Water Treatment site be amended as follows in order to be acceptable to the City of Middletown: The Clean Energy Task Force offers the following suggestions with regard to the Greenskies solar power purchase agreement at the Highby Water Treatment site:

a. The project’s construction costs be reduced by minimizing the transmission line between the solar panels and the facility tie-in by changing the location of the proposed system on the site, or reconfiguring the transmission line (such as above the ground routing);

b. The reduced construction costs be reflected in the price proposal such that the escalation rate of future electricity does not exceed 2% per year for the 20-year period;

c. The ZREC share granted to the City of Middletown be adjusted upward such that the 20-year costs of the project are commensurate with the costs of not installing the system; and

d. If possible, the City of Middletown be protected from lost savings associated with falling energy costs.

e.

The motion was seconded by Augie DeFrance. The motion was approved unanimously.

Gerry Daley left the meeting at 1:05

2. Meeting Location for Evening Meeting.

After some discussion it was determined that the night meeting, once per quarter, would be held in room B-19 of City Hall.

2. LEED Certification

There was some discussion as to the benefit of obtaining LEED certification to new construction. It was suggested that it adds 10-20% cost to the project. It was reported that the Senior Center rehabilitation design was completed using LEED and was successful.

Michael Harris said that LEED should be used on a case by case basis and not every project would lend itself to benefitting from this process.

3. Middletown Energy Plan


Dmitri D’Alesandro to convene sub-committee to review and update the plan.

5. New Business

None

The meeting adjourned at 1:24 P.M. The next regular meeting is scheduled for Wednesday, March 16, 2016, to be held in Room B-19 of the Municipal Building at 7:00 PM.

Submitted for approval by:



Christopher M. Holden, PE
Deputy Director of Public Works

L. Grant Confirmation and Approval - Town Clerk's Office, Historical Document Preservation (Approved)

CITY OF MIDDLETOWN
MUNICIPAL BUILDING
MIDDLETOWN, CONNECTICUT 06457

REQUEST FOR COMMON COUNCIL CONFIRMATION AND APPROVAL
OF THE FOLLOWING GRANT

Grant Number: 255

Date of Request: 2/29/2016

Name of Grant: State Historical Document Preservation

Amount Requested: \$4,000.00

Code: 3361-04000-59048-x-x2016

Grant Period: From: 7/1/2015 To: 6/30/2016

Rev Code 3361-04000-49048-x-x-2016


Type of Grant: State

Amount Loaned from General Fund: \$0.00

Department Administering Grant: Town Clerk's Office

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation, no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Grant:
Supplemental funding of \$4,000 for an Historic Documents Preservation grant.

Signature: 

Requested by: Linda Bettencourt, City and Town Clerk

Status:

Status Date:

Councilman Thomas J. Serra reads and moves for approval the Department, Committee, Commission Reports and Grant Confirmation Approvals 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, and 8L. Councilman Sebastian N. Giuliano seconds the motion.

Councilman Serra states relative to 8I, the payment for the bill for the Mattabassett project, the request was that all payments come through the commission because our understanding of the commission is that they have the authority to pay the bills and it was circumvented; there was a discussion during questions to directors and in the future hopefully the chairman will at least be notified if bills are paid. The second item is 8J, the legal opinion on the parks from the City Attorney. With the parks bond and intent of the Council for the bond is that it is a ten year project, various phases, and there should be building committees for at least the major portions of them. At least three or four and that was discussed as well during the time of the questions to directors. Hopefully that will be done. If I may ask the Mayor, is 8J your opinion as well. The Chair concurs with what was in the legal opinion but I haven't read it in a while so I can't speak to any specific portions of it and I will be happy to address two of the earlier points you brought up. First, the building committee was notified when I authorized payment in late January; I sent a letter to the entire Council and to the building committee; I copied the building committee staff with the understanding the letter would be forwarded on to the building committee, so the committee was notified. In terms of various phases to the parks bond building committee, he will present a resolution to form the building committee which will have a time and specific work horizon proposed in it. I don't see any need nor would I agree to have one committee oversee the entire implementation of the bond ordinance. It was never the intent. The Council had available to it, for some time one of the working drafts of the resolution establishing the committee. For everyone's edification, that draft was exactly that, it was a working draft and that is why it hasn't been presented to you yet. I would discourage anyone, strongly, from drawing any conclusions based upon what you read because it wasn't done and I'm not quite sure how it got out to everyone, but it shouldn't have because it was a working document. It was not yet ready for anyone's review. Councilman Serra states you will be following the ordinance when it is modified. The Chair responds he is not sure what you mean by that. Councilman Serra replies the ordinance is being worked on by the General Counsel Commission now and the intent is to do what I would support to do which is various phases having various committees. The Chair states you are conflating two issues; you seem to be talking about an ordinance and the building committee. In terms of following ordinances, we have always followed ordinances and I assure you we will follow ordinances in the future. What ordinance you are speaking to specifically I don't know. But yes we like to follow the law here. Councilman Serra responds it is the building committee ordinance. If you agree that it is phases then its fine with me. The other answer you gave you made the committee aware after the fact. the call was not made relative to paying the railroad; yes you did notify, but it was after the fact and hopefully it will be before the fact next time. He thanks the Chair. The Chair explains it was not after the fact; Councilman Serra responds yes, it was. The chair states frankly he is not going to get into it. Councilman Serra replies I am not either, but it was after the fact. He states you are not going to put something out there that is not true. The Chair responds you will not be talking over me because I'll call you out of order and we will be done. The Chair states let me explain something very clearly. The payment was made after that; it was not made before I notified you. You were notified and the payment was made the following week. Just so the public understands this, they were at risk. And when I say they were at risk, I mean you the public, of incurring \$50,000 a day in additional costs because legitimate bills had not been authorized for payment. I wasn't going to put the public in a position to incur \$50,000 in penalties per day. I am sorry if some people are uncomfortable with the decision, but at the end of the day I made a decision to protect the public. Councilman Serra states with all due respect that was being worked on by the subcommittee; so you did not make the subcommittee or the committee aware of what you were doing. The point of the matter is the committee has the authority and the committee was going to negotiate in good faith until everyone got involved. The Chair respectfully disagrees with your interpretation and your version of the facts; you had a month to ask these questions and you saved them until you were in front of a camera. Councilman Serra states excuse me, I had a month to ask these questions? He asks when or where. You did not come to a committee meeting to make us aware and there is a committee person right here on the other end. The Chair responds the Council and the building committee received a letter. Councilman Serra responds you want to micromanage the building committees, then go right ahead. The chair states we are not going to do this; I have had enough of your prevarications. We are done. No more prevaricating on the Council floor. Councilman Giuliano states he wants to be heard on 8H on the formal legal opinion on whether a building committee would be required to administer the parks bond ordinance. The formal opinion concluded that a building committee did not need to be appointed because it was described as an omnibus bond. He has provided a copy of an e-mail he drafted and will give the Council clerk a hard copy because for some reason the electronic copy did not include the footnotes. He states briefly the bond ordinance and the building committee ordinance are two separate things. The building committee ordinance is not conditioned on a bond ordinance; what it requires is any project over \$500,000 has to have a building committee; I would venture to say if you want to analogize the road bonds, the road bonds are probably an accepted exception to it because the work is narrowly defined, its infrastructure that is already there; it would be very difficult to conceive of what a building committee would do on road work. He found no description of an omnibus bond ordinance anywhere in our Charter, anywhere in our ordinances; I found nothing in state law to support such a thing. Nothing in Federal Law, as a matter of fact federal law prohibits something called logrolling which is joining a bunch of unrelated projects into one and issuing one bond ordinance in order to have a better chance of passing by trying to attract a broader constituency. The federal law, the tax law that allows municipalities to bond, prohibits that so I would find it hard to believe to find something prohibited on the one hand would be encouraged on another hand. I was glad to hear your honor say, we would have building committees for this; it would be foolhardy not to and would seem absurd that if all these had

passed separately, we would need them but because it is one we don't. As far as I am concerned, the building committee ordinance applies and we should follow it. The Chair thanks the Councilman and states regardless what the particular opinion states, it makes sense to have building committees which is why it is my intention to appoint several committees for the project so I don't think there is really an issue here. We have an opinion and the opinion doesn't say we can't have building committees it says we may do one or the other and we have chosen to go the route of a building committee and I expect to be presenting a resolution to the Council at our next regular meeting; the draft that somehow everyone got was not a ready draft and wasn't set to be submitted to you officially otherwise I would have had it on for this meeting. We will be moving forward with building committees regardless. Councilwoman Kleckowski states she has a question on 8K, approving the minutes for Clean Energy Task Force and the committee has not yet approved these minutes, and it seems irregular that the Council would approve them before the committee approves them. She believes they are here due to the amendments for Greenskies and solar panels. The Chair states he is not familiar with this and he did not submit it; if someone who is familiar with this. . . Councilwoman Kleckowski states Councilman Daley is. Councilman Daley states Councilwoman Kleckowski is correct; what was expressed at the meeting on February 17 was that the Task Force was aware that the Council was awaiting its advice and guidance on the proposed Greenskies contract and they wanted to get its direction to the Council as soon as possible. What is being recommended is that there needs to be some further work done on the proposed contract. They want to go on record as fully supportive of going in the direction of solar energy, making use of solar energy for City facilities and the economic benefits that it has the potential to bring; secondly, they wanted to also go on record that it should only take place in instances where it's in the City's financial interests to do so, that some adjustments needed to be made. They made some recommendations and they need to work with the Mayor's office and discussions with Greenskies and the energy consultant, Michael Harris, will communicate with the Mayor's office about that going forward and hopefully come back with a revised agreement that will be more financially beneficial to the City or protective of the City. The Task Force was very sensitive to the fact that it was originally postponed to a date certain and they didn't not want to make The Task Force wanted the Council to have the information. Councilwoman Kleckowski asks if they can approve meetings that have not been approved by the Committee. She just wanted to ensure that we were only accepting them, not approving them. Councilwoman Bartolotta states that answered her question; we are accepting them. Motion to Amend Councilman Giuliano states Councilman Daley would they be more aptly addressed as draft minutes and he moves to amend the item to say draft minutes; Councilman Daley seconds the motion. The chair calls for discussion; hearing none, he calls for the vote on the motion. It is unanimous to approve with eleven affirmative votes and Councilman Pessina absent. The Chair states the record will reflect agenda item 8k as Task Force draft minutes.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**9. Payment of all City bills when properly approved.
(Approved)**

Councilman Thomas J. Serra reads and moves for approval Payment of all City bills when properly approved. Councilman Gerald E. Daley seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

Motion to Recess

Councilwoman Salafia is recognized and asks for a five minute recess; her motion is seconded by Councilwoman Kleckowski. The vote is unanimous with eleven affirmative votes. The chair declares the recess at 8:19 p.m.

Meeting Reconvenes

The Chair calls the meeting to order at 8:33 p.m.

10. Resolutions, Ordinances, etc.

- A. Approving rescinding the amendments to the Deputy Fire Chief's Job Description approved at the February 1, 2016 Common Council meeting to render such amendments null and void.
(Approved)**

Resolution NO. 27-16**File Name ccsalafiarescind**

WHEREAS, at the February 1, 2016 regular Common Council meeting, an amended job description for the Deputy Fire Chief was approved by the Common Council with the Mayor's vote breaking a tie vote of six ayes and six nays; and

WHEREAS, the motion to rescind maybe approved by the Common Council with a majority vote when previous notice is given of such action and when a member of the prevailing side makes said motion; and

WHEREAS, this resolution and the notice in the call of the meeting provides such notice to all members of the Council who voted on this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That by approving this motion to rescind, the previous action of the Common Council on February 1, 2016, that approved amendments to the job description for the Deputy Fire Chief, is hereby null and void and the job description for the Deputy Fire Chief will revert to its former language.

Fiscal Impact: Will save money in future budgets as it reverts to a lower salary grade

Councilwoman Linda Salafia reads and moves for approval rescinding the amendments to the Deputy Fire Chief's Job Description approved at the February 1, 2016 Common Council meeting to render such amendments null and void. Councilman Sebastian N. Giuliano seconds the motion.

Councilman Daley states he will be voting against rescinding the amendments they approved last month. I firmly believe the national standards of fire officer 4 are what we need and attained by our next deputy chief. I am somewhat aware of the credentials and how they came about. In 1975 the council was established by the legislature to facilitate uniform standards of firefighters and he was appointed to that commission. Working with the state we had a fire department at Southbury training school and they follow the certification. The old job description included a bachelor's degree abut includes equivalent and we had chiefs and deputies that did not have a bachelors. Chief Dunn and Kronenberger explained what a fire officer 4 brings to the community and the right type of training and also providing an incentive for firefighters through the ranks to go through the levels of certification to give them a career ladder. We would be remiss to revert back to the old one and the qualification for the federal law. As far as the upgraded pay, that is of secondary importance. Chief Kronenberger said to seek promotion form within and you don't offer an improvement economically you are not fulfilling a basic tenant of job. the job classification recommended an upgrade in pay for the deputy. The action we took was well informed and appropriate and based on the action we took, the job has been posted and number have applied and a number of well qualified individuals from the department who applied. I urge the colleagues to vote against rescinding. It will revert to the old job description and it needs to be changed and we will continue without a deputy and it has not been filled for far too long.

Councilman Santangelo has one concern if we go back to the old job description, there is only one person eligible for the job. By going to Fire officer 4, there would be six or seven eligible and there will be competition for the position. You heard Chief Dunn state you will not find a staff as well trained as Middletown. They are encouraged to get the certification. With one person, we might have to go to the outside. I will not be voting to rescind this motion.

Councilman Nocera states I served general counsel and listened to the first presentation and his rationale and having listened and investigated on my own, the logic behind it, I am in favor of the new job description and it provides comprehensive training and planning that did not exist in the old job description. The salary is secondary and has to say I was not a strong proponent to increase the salary and understood the logic and know it was recommended in the job study. I have listened to both sides and I have to say I feel if we approve the rescinding of this we are losing more. I will not vote for rescinding.

Councilman Faulkner states it is quite unfortunate that it comes to us and would rather have a motion to reconsider. I am not in favor of the resolution we approved last month and did not realize the firefighter 4 certification was instead of a bachelor's and thought it was in lieu of to make it more open for people. I don't agree the salary should have been changed and I think we need to work on reducing overtime. If we have to hire other people we should consider that. I will be voting in favor of this.

The Chair states it is optional not a requirement. You can have a bachelor's agree and 4. Faulkner states they are taking it out and that tells someone not to go for it. That wording discourages people and it is not in there. We can have people working on the bachelors and the way it is written, it sounds like you have to go and do it again.

Councilwoman Bartolotta was part of the original discussion and I did not vote to change the job description and did not vote the night of Council for it. The reason is one is salary.; We are in conversation with union members and their salaries are going up and we need to see where they come up. The other is the presentation done by Mr. Dunn and the Chief and explaining the steps getting to 4 and what it is and I believe it should be part of the job description. I will be voting to rescind but make it clear that I will bring it back to general counsel to be cleaned up and brought forward again.

Councilman Serra what was taking out a bachelor's degree and education in the fire science field and then getting firefighter 4. For me looking at this, we should have added to this the firefighter 4 certification and the language is no different from EMT and adds to obtain the certification. It does a disservice to the person who was qualified. The federal law was added. TS it should go back to general counsel to add the ideas expressed this.

Councilman Giuliano will support the resolution; he has great respect for Dunn and Kronenberger and this change came in a slap dash manner. The position has been vacant for a long time and maybe we need to take a page from Board of Education and have a first and second reading. We don't have to act to fill the position now. Another month won't make a difference; if it is important to fill now, it was important to fill 8 months ago. It should go back to General Counsel and if you don't change the fire chief, then it is out of whack as well.

Councilwoman Salafia states maybe when the fire union contract comes up for negotiation, you take out the stipend for having a degree.

Corporation Counsel Ryan states the notice has been properly made and it is a majority vote needed and a vote to rescind will cancel the motion made last month.

The chair calls for the vote. It is 7 aye votes by Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 4 nay votes by Councilman Eugene P. Nocera, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 7 affirmative votes, 4 in opposition and 1 absent.

**B. Approving the St. Sebastian Feast as a Special event for the second weekend in May 13, 14, and 15, 2016.
(Approved)**

Resolution NO. 28-16

File Name ccstseb2016

WHEREAS, the annual religious Festival in honor of St. Sebastian has been held for over 600 years in Melilli, Sicily, ancestral home of many Middletown citizens, and by Middletown's Italian Community for 95 years; and

WHEREAS, the 2016 Feast of St. Sebastian sponsored by St. Sebastian RC Church will be held between the hours of 6 p.m. to 10 p.m. on Friday, May 13th, and from 12 Noon to 10:00 p.m. on Saturday, May 14th and on Sunday, May 15th, 2016; and

WHEREAS, the annual St. Sebastian Festival draws large crowds to Middletown and contributes in many positive ways to the spiritual, social and cultural well-being of our City; and

WHEREAS, St. Sebastian RC Church is a non-profit, religious corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

1. That the annual feast of St. Sebastian scheduled for the second weekend of May, 2016 is hereby recognized as a special event;
2. That Section 188-5 of the Middletown Code of Ordinances be in effect for this special event.
3. That a portion of Pearl Street abutting St. Sebastian Church property from Washington Street south to the end of the Church property be closed as of 8 a.m. on Friday, May 13, 2016 through midnight, Sunday, May 15, 2016, in accordance with the directions of the Middletown Police Department.
4. That a portion of Washington Street, Main Street, Court Street, and Broad Street, be closed on Sunday, May 15, 2016, from 11:00 a.m. to 2:00 p.m., in accordance with the directions of the Middletown Police Department and the Connecticut Department of Public Safety.

Financial Impact: The 2015-2016 Police Department budget has funds () to cover the Department's expenses for this event; Public Works will provide help during regular hours, and the cost associated to it is approximately \$500 for delivery and pick up of trash barrels, picnic tables, and bleachers; the Health Department will inspect, using 1-1/2 hours of the Sanitarian's time during normal work hours at an estimated cost of \$70.

Councilman Thomas J. Serra reads and moves for approval the St. Sebastian Feast as a Special event for the second weekend in May 13, 14, and 15, 2016. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

C. **Approving the NORA Cupcake lease at 180 Johnson Street for 5,000 square feet and authorizing the Mayor to sign all necessary documents.**
(Approved)

Resolution No. 29-16
File Name PCD_NORACupcakeRRLeases_Mar2016
WHEREAS, NORA Cupcake is a popular bakery in Middletown that is actively expanding.

WHEREAS, NORA Cupcake has expressed interest in 5,000 square feet of second floor place at the Remington Rand (180 Johnson Street).

WHEREAS, at the February 2, 2016 meeting of the Finance and Government Operations Committee, the members present agreed to move forward to the Common Council a proposed lease for NORA Cupcake at the former Remington Rand building (180 Johnson Street).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That the Mayor is hereby authorized to sign all documents necessary to implement the lease for NORA Cupcake at 180 Johnson Street.

FINANCIAL IMPACT –It is important to secure additional revenue to run the Remington Rand building and pay back the \$225,000 operating cost loan from the general fund. No impact on the general fund other than increasing the value of a city asset.

Councilman Gerald E. Daley reads and moves for approval the NORA Cupcake lease at 180 Johnson Street for 5,000 square feet and authorizing the Mayor to sign all necessary documents. Councilman Grady L. Faulkner, Jr. seconds the motion.

Councilman Daley NORA Cupcake has been a great Middletown success story. NORA has been welcomed by other communities and enticed by other communities and we owe it to ourselves to keep them in Middletown as their base. They now have 34 employees. This is what we need to encourage in Middletown. NORA stand s for North of Rapallo in Middletown.

Councilman Giuliano states last time they were here they brought cupcakes. Daley states they are starting a cookie line. Giuliano is glad it has taken off.

Councilwoman Bartolotta states thank you for Phil Ouellette for encouraging Carrie to start Nora cupcake in Middletown. it is a beautiful success story.

Councilman Santangelo states that Mr. Ouellette made a comment earlier and you asked about the \$15,000 investment loan. Not many people realize how much you are involved in Middletown. Middletown is luck and proud to have you both. The investment was well worth it, that is why it was called reinvest. Thank you.

Councilman Faulkner states on behalf of youth services, I appreciate the work you do with young people in town including the summer jobs program.

Councilman Serra states Eli Cannon's was a sweet deal and cupcakes is a sweet one as well. Congratulations and god speed.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

D. **Approving the allocation of Youth Grant funds to Ahern Whalen for \$1,300 and Middletown Youth Lacrosse in the amount of \$2,400 for the current fiscal year.**
(Approved)

The chair asks if this is this a grant thru the Recreation and Community Services Commission or an appropriation. Councilwoman Bartolotta states it is from the grant.

Resolution No. 30-16
File Name rcsgrantFY15163716
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That Recreation and Community Services Department requests that \$3,700 of the \$62,500 Youth Grant (FY 15/16) is allocated as follows.

<u>Agencies</u>	<u>Amount</u>
Ahern Whalen	\$1,300
Middletown Youth Lacrosse	\$2,400

Fiscal Impact: **No impact on FY 15/16 Budget.**

Councilwoman Mary A. Bartolotta reads and moves for approval the allocation of Youth Grant funds to Ahern Whalen for \$1,300 and Middletown Youth Lacrosse in the amount of \$2,400 for

the current fiscal year. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**E. Approving the building permit fee refund to SolarCity for property located at 489 Chamberlain Road in the amount of \$214.90.
(Approved)**

Resolution No. 31-16

File Name pw489ChamberlainRoad

BE IT RESOLVED BY THE COMMON COUNCIL, OF THE CITY OF MIDDLETOWN: That a Building Permit Refund be issued to SolarCity, for a property located at 489 Chamberlain Road, Middletown, CT in the amount of \$214.90 due to the homeowner owing over \$9,000.00 in taxes.

Councilman Carl R. Chisem reads and moves for approval the building permit fee refund to SolarCity for property located at 489 Chamberlain Road in the amount of \$214.90. Councilman Grady L. Faulkner, Jr. seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**F. Approving a new Article III Complete Streets to Chapter 262 Streets, Sidewalks and Parking Areas of the Middletown Code of ordinances and repealing all inconsistent resolutions including resolution 75-12 (Complete Streets Planning Committee).
(Approved)**

Ordinance No. 05-16

File Name Ordinances-complete streets 262-61

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a new Article III (Complete Streets) be added in its entirety as set forth below to Chapter 262 (Streets, Sidewalks and Parking Areas) of the Middletown Code of Ordinances, and that all resolutions inconsistent herewith, including Resolution 75-12, are hereby repealed:

ARTICLE III (Complete Streets)

§ 262-61 Complete Streets.

- A. This Article and Section shall be entitled the Complete Streets Ordinance.
- B. As used in this Article and Section, the following terms shall have the meanings indicated:
 1. *Complete Streets* are roadways that are designed and operated to provide safe and convenient access to all Users.
 2. *Complete Streets Committee* is a standing committee of no more than six persons, nominated by the Mayor, confirmed by the Council, and serving four-year terms. No more than two-thirds of the Committee may be of the same political party. Should a vacancy occur in a seat, it will be filled through Mayoral nomination and Council confirmation.
 3. *Complete Streets Master Plan* is a comprehensive plan detailing the steps to be taken to implement this Ordinance, as approved and adopted by the Planning and Zoning Commission.
 4. *Users* are all people that use roadways, including pedestrians, bicyclists, public transportation riders, and motorists and includes people of all ages and abilities, including children, seniors and individuals with disabilities.
 5. *Transportation Improvement Project* is any public or private investment within the public right of way, regardless of funding source, including, but not limited to, new construction, reconstruction, alteration, and maintenance inclusive of road resurfacing, except that a Transportation Improvement Project shall not include routine upkeep such as cleaning, sweeping, plowing or spot repair.
- C. This Article and Section shall require the implementation of Complete Streets in appropriate locations within the City of Middletown by the Public Works Department, Public Works and Facilities Commission in collaboration with the Police Chief/Traffic Authority and other transportation agencies as necessary for review, as follows:
 1. The Public Works Department/Public Works and Facilities Commission, in collaboration with the Complete Streets Committee, will review all Transportation Improvement Projects being designed for implementation within the City limits and explore opportunities to meet the needs of all Users, including but not limited to motorists, pedestrians, bicyclists, and transit vehicles, in a manner consistent with the Complete Streets Master Plan.
 2. All Transportation Improvement Projects located within 1,000 feet of a school, commercial center, or bus stop will include infrastructure designed to accommodate pedestrians, as recommended by Complete Streets Committee and affirmed by the Public Works and Facilities Commission to be sent to the Common Council for consideration.

3. The requirements of the Complete Streets Ordinance will not apply to Transportation Improvement Projects:
 - a. Where specific users are prohibited by law (e.g. interstate highways or pedestrian-only pathways); or
 - b. Where the cost of accommodations necessary to implement Complete Streets has been demonstrated and documented to be excessively disproportionate to the need or probable use. The Public Works Department must document the rationale for exemption from the Complete Streets Ordinance in such cases.
 - c. When a Transportation Improvement Project is to be funded by a road bond passed prior to the date of passage of this ordinance, and when such road bond funding and scope is inadequate to include Complete Streets improvements in that specific project, consideration will be given by the Public Works Commission, the Complete Streets Committee, and Common Council in order to determine whether additional funding should be appropriated to include Complete Streets improvements in that project.

Councilman Eugene P. Nocera reads and moves for approval a new Article III Complete Streets to Chapter 262 Streets, Sidewalks and Parking Areas of the Middletown Code of ordinances and repealing all inconsistent resolutions including resolution 75-12 (Complete Streets Planning Committee). Councilwoman Deborah A. Kleckowski seconds the motion.

Councilman Nocera thanks everyone who spoke to this this evening. I feel this demonstrates that we have active interest to improve the streets for pedestrians and bikes and sets us apart. the initiative will continue to make us proud and thanks John and the community for their hard work.

Councilman Giuliano expresses his appreciation for everyone who worked on this project. You came up with a very good product, and I am glad to see it is finally here and we will vote on it.

The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**G. Approving establishing the Military Museum Building Committee.
(Approved)**

Resolution No. 32-16

File Name ccmilitarymuseumbltdgcommittee

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Military Museum Building Committee be established pursuant to Article VI Building Committees, Sec. 14-24 Membership of the Middletown Code of Ordinances to include not less than five nor more than 11 members; and

Councilman Robert P. Santangelo reads and moves for approval establishing the Military Museum Building Committee. Councilman Sebastian N. Giuliano seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

**H. Approving the use of the South Green/Union Park for a Relay for Life event on April 30, 2016.
(Approved)**

Resolution No. 33-16

File Name ccrelayforlifeuseofsouthgreen2016

WHEREAS, Relay for Life is requesting the use of the South Green/Union Park for a fundraising event; and

WHEREAS, the use of City property as a special event is approved by the Common Council along with a waiver of the licensing procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That it approves the use of South Green/Union Park as a special event on April 30 by Relay for Life and that section 188-5 of the Middletown Code of Ordinances be in effect for this special event.

Fiscal Impact: There is no impact as all fees will be paid

Councilman Carl R. Chisem reads and moves for approval the use of the South Green/Union Park for a Relay for Life event on April 30, 2016. Councilwoman Deborah A. Kleckowski seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera,

Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

11. Mayor's Appointments (Approved)

Committee Concerning People With Disabilities:

Appointment of Joseph Bibisi as an Alternate to April 30, 2020.

Reappointment of August DeFrance to April 30, 2021.

Reappointment of Marie Hurley to April 30, 2021.

Woodrow Wilson/Kiegwin Building Committee:

Mary Bartolotta, Chair
Chris Drake, Vice Chair
Theodore Raczka
Kirsten Byrd
Sheila Daniels
Christopher Bonsignore
Richard Pelletier
John Giuliano
Gene Nocera
Phil Pessina
John Phillips

Staff

Lynda MacPherson
Elise McDermott

MILITARY MUSEUM BUILDING COMMITTEE

Robert Blanchard, Chair
Phil Cacciola (ADA)
Larry Riley (Renovation)
Ed Monarca (Construction)
Mike Rogalski
Jerry Augustine (Construction)
Ken McCellan
Anita Melhorn
Arthur Meyers (Business/Finance)
Ron Organek

Staff

Bill Russo

INFORMATIONAL ONLY:

Middletown Housing Authority:

Reappointment of Izzy Greenberg to March 31, 2021.

The chair reads appointments including the appointments to the Military Museum. He asks for a motion to approve. Councilman Daley moves them for approval and the motion is seconded by Councilman Giuliano. Councilman Faulkner asks if the Meyers appointment is the civilian Meyers; the Chair responds yes, the retired Russell Library Director. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

12. Meeting adjourned.

Councilwoman Deborah A. Kleckowski moves for al adjournment. Councilman Sebastian N. Giuliano seconds the motion. The chair calls for the vote. It is 11 aye votes by Councilman Eugene P. Nocera, Councilman Thomas J. Serra, Councilwoman Mary A. Bartolotta, Councilman Gerald E. Daley, Councilman Robert P. Santangelo, Councilman Carl R. Chisem, Councilman Robert Blanchard, Councilman Grady L. Faulkner, Jr., Councilman Sebastian N. Giuliano, Councilwoman Deborah A. Kleckowski, Councilwoman Linda Salafia; 0 nay votes by no one and 1 absent by Councilman Philip J. Pessina. The Chair states the matter carried with 11 affirmative votes, 0 in opposition and 1 absent.

The chair declares the meeting adjourned at 9:03 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK